

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.3339/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.19.08.2019/NCLAT/UR/1056

In the matter of:

Digvijay Tanwar Singh
Ex-Director, KST Infrastructure Ltd. Appellant

Versus

Sonia Rani & Ors. Respondents

Appearance: Mr. Abhishek Anand, Advocate for the Appellant.

05.11.2019

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellant filed the Memo of Appeal on 19.08.2019 and the Office after scrutiny of the Memo of Appeal on 20.08.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 12.09.2019. The Appellant re-filed the Memo of Appeal on 22.10.2019. It is stated in the Interlocutory Application (IA) that former Advocate did not took steps to remove the defects and the Appellant was not aware about the fact that the file was in defect. Hence, there is delay of 56 days in re-filing the Memo of Appeal, so the same may be condoned.

3. Apart from that, the Registry has pointed out that “*while re-submitting the appeal, duly curing the defects, the Counsel for the appellant submitted fresh appeal instead of the one which was filed earlier, changing the cause title from ‘KST Infrastructure Ltd. vs. Sonia Rani & Ors.’ to Digvijay Tanwar Singh, Ex-Director, KST infrastructure Ltd. vs. Sonia Rani & Ors. only on 22.10.2019. Further, while submitting the appeal on 19.08.2019 Mr. Sanchar Anand, Mr. Rohan Gupta and M. Shiv Kumar were appointed as Advocates but in the fresh appeal submitted on 22.10.2019 Mr. Abhishek Anand and Ms. Radhika Kumar Rai were appointed as Advocates. However, no objection letter was not obtained from the Advocates who were appointed earlier as mentioned above.*”

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report. The Appellant was required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellant re-filed the Memo of Appeal with a delay of 56 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4 As regards defects pointed out by the Registry, learned Counsel appearing on behalf of the Appellant undertakes to remove the defects by 11.11.2019.

5. As prayed, list the matter before the Hon'ble Bench under the heading 'admission with defect' on 11.11.2019.

(Peeush Pandey)
Registrar