

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.839/2020
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020
(F.No.05.12.2019/NCLAT/UR/1750

In the matter of:

Vijender Sharma Appellant

Versus

M/s. CINDA Engineering & Construction
Private Limited & Anr. Respondents

Appearance: Mr. Rahul Kumar, Advocate for the Appellant.

24.02.2020

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 05.12.2019 and the Office after scrutiny of the Memo of Appeal on 06.12.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 11.12.2019. The Appellant re-filed the Memo of Appeal on 20.02.2020. It is stated in the Interlocutory Application (IA) that original certified copy of the order has been misplaced in the office of the drafting advocate and the same was traced belatedly after searching the same. Hence, there is delay of 69 days in re-filing the Memo of Appeal, so, the same may be condoned.

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 69 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. List the matter before the Hon'ble Bench under the heading 'admission with defect'.

(Peeush Pandey)
Registrar