

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.3294/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.23.09.2019/NCLAT/UR/1236

In the matter of:

Goutam Kumar Roy & Ors. Appellants

Versus

M/s Dooteriah & Kalej Valley
Tea Estates Private Limited & Ors. Respondents

Appearance: Mr. Soumya Dutta, Advocate for the Appellants.

22.10.2019

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

2. The facts of the case are that the Appellants filed the Memo of Appeal on 23.09.2019 and the Office after scrutiny of the Memo of Appeal on 24.09.2019, intimated the defects to the Appellants on the same day and returned the Memo of Appeal to the Appellants on 25.09.2019. The Appellants re-filed the Memo of Appeal on 19.10.2019. It is stated in the Interlocutory Application (IA) that Advocate informed the local Advocate about the defects, but in the meantime the Dusserra vacation started in Delhi from 02.10.2019 and the Advocate was also not present in the city. Hence, there is delay of 18 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect Nos.4 and 5 have also not been cured by the Appellant. Defect No.4 is "*Fees of 5000/- is required to be deposited for order (if appeal is preferred against 2 orders 11.07.2019 & 26.09.2018)*". Defect No.5 is "*Fees of Rs 1000/- is required to be deposited for I.A. (for stay)*".

4. Heard learned Counsel appearing for the Appellants and perused the averments made in the IA as well as Office report.

5. Considering the submissions made on behalf of the Appellants and for the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.

6. As regard defect Nos. 4 & 5 are concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellants stating that *“Point – 4 and 5 – The appellant is challenging only one order date 11.7.2019 hence no additional fee or Demand Draft is required”*.

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 23.10.2019.

8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar