

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2760/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.21.08.2019/NCLAT/UR/1065

In the matter of:

M/s Shamrao Baliram Appellant

Versus

Vijay Kumar V. Iyer,
Resolution Professional
For Murli Industries Limited Respondent

Appearance: Mr. Harsh Gokhale, Advocate for the Appellant.

05.09.2019

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 21.08.2019 and the Office after scrutiny of the Memo of Appeal on 22.08.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 23.08.2019. The Appellant re-filed the Memo of Appeal on 03.09.2019. It is stated in the Interlocutory Application (IA) that after receiving the objections, the Counsel informed the Appellant, who resides and operates in the interior parts of district Nagpur in the state of Maharashtra. After receiving the instructions from the Appellant the Counsel corrected the objections, but the affidavit for the present interlocutory application was received on September 2, 2019. Hence, there is delay of five 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.2 to 7 have also not been cured by the Appellant. Defect Nos.2 to 7 are: -

“2. *Appeal is barred by limitation in case of the order dated: 03.07.2019.*

3. *Only photo copy of the impugned order dated 03.07.2019 is filed, file its certified true copy.*

4. *Fee of Rs.5000/- is required to be deposited per order (if appeal is preferred against 2 orders).*
5. *Page nos.109 to 131, 133 to 135 are in Hindi language and hand-written, file their typed copies in English.*
6. *Page nos 136 & 137 are filed in other language, file their typed copies in English language.*
7. *Page nos.141, 143 are dim/ illegible.”*

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

5. Considering the submissions made on behalf of the Appellant 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.2 to 7 are concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that *“All objections cleared, except 5, 6, 7 which is not relied upon. Objection No.2 – relying on 22.7.19 order.”* Learned Counsel for the Appellant also states that they have filed an interlocutory application seeking exemption from filing certified copy of the impugned order dated 22.07.2019.

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 06.09.2019.

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

(Peeush Pandey)
Registrar