

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.4098/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.29.11.2019/NCLAT/UR/1708

In the matter of:

Mr. Kaushal Ramesh Mehta Appellant

Versus

Metallica Industries Ltd. & Ors. Respondents

Appearance: None for the Appellant.

11.12.2019

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 29.11.2019 and the Office after scrutiny of the Memo of Appeal on 30.11.2019, intimated the defects on the same day and returned the Memo of Appeal to the Appellant on 02.12.2019. The Appellant re-filed the Memo of Appeal on 10.12.2019. It is stated in the Interlocutory Application (IA) that the delay is wholly innocuous and bona fide. The same is purely unintentional and the reasons beyond the control of the Appellant. Hence, there is delay of 3 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Perused the averments made in the IA as well as Office report.

4. 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.

5. As regard defect No.10 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Counsel of the Appellant stating that '*..... the power of Attorney covers not only the proceedings before NCLT Mumbai but all actions to be taken in respect of the subject matter of the case,*' '*..... As such the power of Attorney covers the present proceedings. However, if the need for a fresh POA is felt, I undertake to supply the same*'.

6. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 12.12.2019.

(Peeush Pandey)
Registrar