

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2387/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.15.07.2019/NCLAT/UR/896

In the matter of:

Shetron Ltd. Appellant

Versus

Maiyas Beverages and Foods Pvt. Ltd. & Ors. Respondents

Appearance: Mr. Bhanu Gulati, Advocate for Ms. Priya Pathania,
Advocate for the Appellant.

02.08.2019

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 15.07.2019 and the Office after scrutiny of the Memo of Appeal on 16.07.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 17.07.2019. The Appellant re-filed the Memo of Appeal on 01.08.2019. It is stated in the Interlocutory Application (IA) that due to some unforeseen circumstances the appellant failed to cure the defects within the provided time frame as the documents were not available with the counsel of the appellant and the same had to be delivered from Bengaluru. Hence, there is delay of 09 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 No.03 has also not been cured by the Appellant. Defect No.03 is that "*Fees of Rs.21000/- (15000/- plus 6000/-) is required to be deposited as appeal is preferred against 4 orders and 2 IA's in each order (for Delay and for Exemption)*".

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 regards defect No. 03, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant that "*We are challenging only one order*". Learned Counsel appearing on behalf of the Appellant also reiterates the same.

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 05.08.2019.

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

(Peeush Pandey)
Registrar