THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.4140/2019
Un-numbered Company Appeal (AT) (Insolvency) No.___/2019
(F.No.06.11.2019/NCLAT/UR/1517

In the matter of:

Devamata Commercials Private Limited .... Appellant

Versus

Sunrise TSR Factory & Ors. .... Respondents

Appearance: Mr. Ashok Kr. Jain, Advocate for the Appellant.

16.12.2019

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 06.11.2019 and the Office after scrutiny of the Memo of Appeal on 07.11.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 08.11.2019. The Appellant re-filed the Memo of Appeal on 12.12.2019. It is stated in the Interlocutory Application (IA) that while the Clerk of the Advocate was rectifying and removing the defects, the appeal paper book got misplaced and could only be traced out on 10.12.2019 as the same was tagged with a disposed off file, which was sent to the godown. Hence, there is delay of 28 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Heard learned Counsel appearing for the Appellant and 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. List the case before the Hon'ble Bench under the heading 'for admission' on 17.12.2019.

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

(Peeush Pandey)
Registrar