

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.730/2020
Un-numbered Company Appeal (AT) No. /2020
(F.No.18.11.2020/NCLAT/UR/1633

In the matter of:

Shri M. Gopal Appellant

Versus

Wholesale Market (India) Pvt. Ltd. & Ors. Respondents

Appearance: Mr. Mahesh Thakur, Advocate for the Appellant.

14.02.2020

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 18.11.2019 and the Office after scrutiny of the Memo of Appeal on 19.11.2019, intimated the defects and returned the Memo of Appeal to the Appellant on the same day. The Appellant re-filed the Memo of Appeal on 13.02.2020. It is stated in the Interlocutory Application (IA) that inadvertently the original file got mixed up with some other files and lost. A search was conducted but the original file could not be traced. The file was recently discovered and immediately steps were taken to refile the matter. Hence, there is delay of 79 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report. The Appellant was required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellant re-filed the Memo of Appeal with a delay of 79 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. List the matter before the Hon'ble Bench under the heading 'admission with defect'.

(Peeush Pandey)
Registrar