

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.4334/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.09.12.2019/NCLAT/UR/1785

In the matter of:

Volkswagen Finance Private Limited Appellant

Versus

Shree Balaji Printopack Pvt. Ltd. & Ors. Respondents

Appearance: Ms. Nazia Parveen, Advocate for the Appellant.

02.01.2020

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 09.12.2019 and the Office after scrutiny of the Memo of Appeal on 10.12.2019, 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 23.12.2019. It is stated in the Interlocutory Application (IA) that removal of the objection took sometime and the clerk could not refile the Appeal due to his health issue as he was on leave and no one in the office was aware about the pendency of re-filing of the present Appeal. Hence, there is delay of six 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.5 has also not been cured by the Appellant. Defect No.5 is "*Board Resolution not filed. (file its original)*".

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 No.5 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that "*All defects have been cured except defect No.5. In this regard, it is*

stated that we produce the original before the Hon'ble Tribunal on the date fixed".

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 03.01.2020.

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

(Peeush Pandey)
Registrar