

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2987 2019
Un-numbered Company Appeal (AT)(Insolvency) No. /2019
(F.No.06.06.2019/NCLAT/UR/762

In the matter of:

Commissioner of Customs, NS-II Appellant

Versus

Calyx Chemicals & Pharmaceuticals Ltd. & Ors. Respondents

Appearance: Mr. Ankit Singh, Advocate on behalf of Mr. Harpreet Singh, Senior Standing Counsel for the Appellant.

24.09.2019

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 06.06.2019 and the Office after scrutiny of the Memo of Appeal on 07.06.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 07.06.2019. The Appellant re-filed the Memo of Appeal on 23.09.2019. It is stated in the Interlocutory Application (IA) that one of the objection raised by the Registry was non-availability of certified copy. Appellant Department was instructed to obtain the same. The Appellant procured the certified copy and it was sent through speed post from Mumbai to Delhi. In the process, there occurred a delay of 101 days, which is neither deliberate nor intentional, 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 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 101 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' on 25.09.2019.

(Ranjan Kumar)
Registrar (I/c)