

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.247/2020
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020
(F.No.20.12.2019/NCLAT/UR/1863

In the matter of:

Connect Residuary Private Limited Appellant

Versus

Krishna Chamadia & Ors. Respondents

Appearance: Mr. Rohan Narula, Advocate for the Appellant.

20.01.2020

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 20.12.2019 and the Office after scrutiny of the Memo of Appeal on 23.12.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 27.12.2019. The Appellant re-filed the Memo of Appeal on 13.01.2020. It is stated in the Interlocutory Application (IA) that the Authorized Signatory was out of India and fell ill after returning hence signature at required places could not be taken which led to delay of 8 days in re-filing, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.6 has also not been cured by the Appellant. Defect No.6 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.6 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. With regard to Defect Scrutiny no.6*"

Company Director details @ MCA website along with Incorporation Cert. & Memorandum of Association have been filed. Kindly consider it in lieu of Board Resolution. I undertake to file Board Resolution if insisted by court”.

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

(Peeush Pandey)
Registrar