

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.3431/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.16.10.2019/NCLAT/UR/1374

In the matter of:

State Bank of India Appellant

Versus

Adhunik Steels Limited Respondent

Appearance: Mr. Nikhil Mathur, Advocate for the Appellant.

06.11.2019

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 16.10.2019 and the Office after scrutiny of the Memo of Appeal on 17.10.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 18.10.2019. The Appellant re-filed the Memo of Appeal on 04.11.2019. It is stated in the Interlocutory Application (IA) that on account of intermittent holidays, the Appellant was unable to clear the defect of providing the original copy of the Power of Attorney of the authorised signatory. Hence, there is delay of 11 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.03 has also not been cured by the Appellant. Defect No.07 is that *“Only a photocopy of authorization letter is filed”*.

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 regards defect No. 03, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant that *“All defects have been cured except defect no.3. In this regard it is stated that if desired, I shall produce the same before Court”*.

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 11.11.2019.
8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar