Interlocutory Application No.4058/2019
Un-numbered Company Appeal (AT) (Insolvency) No.___/2019
(F.No.26.11.2019/NCLAT/UR/1684

In the matter of:

Mr. Amit Narendra Patel   .... Appellant

      Versus

Mr. Sunil Kumar Kabra,
Resolution Professional
Danke Electricals Limited   .... Respondent

Appearance:- Ms. Medha Rai proxy counsel for Akshat Khare for the
                  Appellant.

09.12.2019

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 26.11.2019 and the Office after scrutiny of the Memo of Appeal on 27.11.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 28.11.2019. The Appellant re-filed the Memo of Appeal on 06.12.2019. It is stated in the Interlocutory Application (IA) that the Appellant is resident of Gujarat and as such the documents desired by the Registry had to be sent to Gujarat for the signatures of the Appellant. Hence, there is delay of two 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.3 has also not been cured by the Appellant. Defect No.3 is *"Affidavits supporting both the I.A.'s are defective"*.

4.   Heard the learned counsel 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.3 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.3. I undertake to produce the fresh affidavit of both I.A's on 09.12.2019"*.

7.   In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 10.12.2019.

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

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(Peeush Pandey)
Registrar

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