

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2607/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.27.06.2019/NCLAT/UR/825

In the matter of:

Employees of Indus Fila Appellant

Versus

SPG Macrocosm Limited Respondent

Appearance: Mr. Sabrish, Advocate for the Appellant.

23.08.2019

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 27.06.2019 and the Office after scrutiny of the Memo of Appeal on 28.06.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 04.07.2019. The Appellant re-filed the Memo of Appeal on 22.08.2019. It is stated in the Interlocutory Application (IA) that the authorised signatory of the Appellant resides in Mysuru and the workmen, including the other office bearers reside in the remote areas of the Mysuru District. The workers are in destitute position and there were many hurdles in getting the Appeal prepared including the cost and sending the Appeal Applications through post (Courier) Mode to the learned counsel at New Delhi. Hence, there is delay of 48 days in re-filing the Memo of Appeal, 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 the 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 48 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 26.08.2019.

(Peeush Pandey)
Registrar