

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.431/2020
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020
(F.No.10.01.2020/NCLAT/UR/97

In the matter of:

Aditya Sikdar & Anr. Appellants

Versus

Allahabad Bank & Anr. Respondents

Appearance: Ms. Suhita Mukhopadhyay, Advocate for the Appellants.

29.01.2020

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 10.01.2020 and the Office after scrutiny of the Memo of Appeal on 13.01.2020, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 16.01.2020. The Appellant re-filed the Memo of Appeal on 27.01.2020. It is stated in the Interlocutory Application (IA) that on the day of re-filing the Registry pointed out that an interlocutory application for exemption for re-filing typed copies of the dim and illegible documents is required and as the Petitioner resides in Kolkata and the petition had to be signed and notarised therefrom, which took another 5 to 6 days. Hence, there is delay of seven 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.1 has also not been cured by the Appellant. Defect No.1 is “*Memorandum of appeal is not according to form NCLT-1*”.

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.1 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.1 regarding point No.8 where question of law and facts in issue have not been separately mentioned. I undertake to submit the same before the Hon’ble Court”*.

7. List the case before the Hon’ble Bench under the heading ‘for admission with defect’.

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

(Peeush Pandey)
Registrar