

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2712/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.17.05.2019/NCLAT/UR/660)

In the matter of:

Mr. Sarvesh Tiwari Appellant

Versus

Asset Reconstruction Company (India) Ltd. & Ors. Respondent

Appearance: Mr. Sarvaswa Chhajer, Mr. Shashank Singh and Mr. Vikash Kumar, Advocates for the Appellant.

02.09.2019

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 17.05.2019 and the Office after scrutiny of the Memo of Appeal on the same day, intimated the defects to the Appellant on 20.05.2019 and returned the Memo of Appeal to the Appellant on the same day. The Appellant re-filed the Memo of Appeal on 29.08.2019. It is stated in the Interlocutory Application (IA) that office clerk of the Counsel due to medical emergency in the family, immediately left for his home without intimating the counsel and original set remained in the possession of the office clerk. Clerk resumed services in July 2019 but a substantial time had lapsed. Then Appellant also wanted to change his counsel and the Appellant was also facing financial constraint, which caused further delay of 93 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 94 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 04.09.2019.

(Peeush Pandey)
Registrar