

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2899/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.28.08.2019/NCLAT/UR/1107)

In the matter of:

Mr. Jai Kishan Gupta Appellant

Versus

Green Edge Buildtech LLP and Ors. Respondents

Appearance: Ms. Tanya Sharma, Advocate for the Appellant.

18.09.2019

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 28.08.2019 and the Office after scrutiny of the Memo of Appeal on 29.08.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 30.08.2019. The Appellant re-filed the Memo of Appeal on 17.09.2019. It is stated in the Interlocutory Application (IA) that the certified copy of the impugned orders dated 09.08.2019 and 22.08.2019 were only made available to the Appellant on 13.08.2019 and 11.09.2019. Hence, there is delay of 12 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.9 has also not been cured by the Appellant. Defect No.9 is “*As proof of service not furnished, file an undertaking to the effect that the sufficient copies of the Appeal memo with necessary documents will be provided if the matter is admitted and notice is issued to the Respondents.*”

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.9 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that *“All defect has been cured. In regards defect No.8 & 9 we undertake to service to all the parties will be done after court notice.”*

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 19.09.2019.

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

(Peeush Pandey)
Registrar