THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.3942/2019
Un-numbered Company Appeal (AT) (Insolvency) No.___/2019
(F.No.18.09.2019/NCLAT/UR/1204

In the matter of:

Mascot Petrochem Private Limited .... Appellant

Versus

Midaas Construction Company Private Limited .... Respondent

Appearance: Mr. Kshitij Bhardwaj, Advocate for the Appellant.

03.12.2019

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 18.09.2019 and the Office after scrutiny of the Memo of Appeal on 19.09.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 20.09.2019. The Appellant re-filed the Memo of Appeal on 29.11.2019. It is stated in the Interlocutory Application (IA) that the conducting advocate who was engaged in the matter was from Kolkata, West Bengal and due to illness could not communicate to the appellant regarding the discrepancies as per the defect sheet as the situation was beyond the control of the advocate. Hence, there is delay of 64 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 64 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. As prayed, list the matter before the Hon'ble Bench under the heading 'admission with defect' on 04.12.2019.

(Peeush Pandey)
Registrar