

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.70/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.04/12/2018/NCLAT/UR/1112

In the matter of:

Mr. S. Rajagopal, Resolution Professional
of M/s. Brilliant Alloyas Pvt. Ltd. Appellant

Versus

State Bank of India & Anr. Respondents

Appearance: Mr. G. Ananda Selvam, Advocate, for the
Appellant.

09.01.2019

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 04.12.2018 and the Office after scrutiny of the Memo of Appeal on 05.12.2018 intimated the defects to the Appellant on the same day and the Memo of Appeal was returned to the Appellant on 06.12.2018. The Appellant re-filed the Memo of Appeal on 07.01.2019. It is stated in the Interlocutory Application (IA) that after filing of the Memo of Appeal, the counsel received the copy of the paper book of the Special Leave Petition (SLP) from the 2nd Respondent herein and, therefore, awaited for outcome of the SLP (C) No.31557 of 2018 from the Hon'ble Apex Court wherein he was a caveator. The SLP was listed before the Hon'ble Supreme Court on 14.12.2018, the Appellant counsel appeared and given consent to allowing the same. After the Hon'ble Apex Court allowed the SLP filed by Respondent No.2., the counsel preferred the present application and presented to the appellant for executing signature

on 19.12.2018 and on the same day the Appellant had executed the paper and after due notary attestation dispatched the papers to the counsel at New Delhi on 21.12.2018 and the appeal came to be re-filed with delay of 26 days. The delay was neither wilful nor wanton, 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.

4. 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.

5. List the case before the Hon'ble Bench under the heading for admission on 10.01.2019.

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

(Peeush Pandey)
Registrar