

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.724/2020
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020
(F.No.31.01.2020/NCLAT/UR/228

In the matter of:

Divyesh Nanjibhai Rangani Appellant
Versus
Jai Corp Limited & Ors. Respondents
Appearance: Mr. Rohit Bohra and Mr. Ankit Sharma, Advocates for
the Appellant.

14.02.2020

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 31.01.2020 and the Office after scrutiny of the Memo of Appeal on 01.02.2020, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 06.02.2020. The Appellant re-filed the Memo of Appeal on 12.02.2020. It is stated in the Interlocutory Application (IA) that the Court Clerk of the Counsel for the Applicant/ Appellant was out of station and did not inform the counsel about the defect list, which was issued on 1st February, 2020. Hence, there is delay of four 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 Nos.1, 2 & 4 have also not been cured by the Appellant. Defect No.1 is "*Fee of 5000/- is required to be deposited for order (as appeal is preferred against 2 orders 06.01.2020 & 06.11.2019*". Defect No.2 is "*Appeal is barred by limitation for orders '06.11.2019'*". Defect No.4 is "*Fees of Rs.1000/- is required to be deposited for IA (for exemption), if seeking exemption for order dated '06.11.2019'*".

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 Nos.1, 2 & 4 are 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 in regard to defect No.1 – we are challenging only one order dated 06.01.2020. Hence, no fees required for order dated 06.11.22019. In regard to defect No.2 question does not arise. In regard to defect No.4 no objections of exemption required as we are not challenging order dated 06.11.2019”*.

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

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

(Peeush Pandey)
Registrar