

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.70/2019
Un-numbered Competition Appeal (AT) No. ___/2019
(F.No.22.07.2019/NCLAT/UR/17

In the matter of:

Sh. Kuntal Chowdhury Appellant1

Versus

Macleods Pharmaceuticals Ltd. & Anr. Respondents

Appearance: Mr. Harpal Singh, Advocate on behalf of Mr. Santosh Kumar, Advocate for the Appellant.

26.09.2019

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 22.07.2019 and the Office after scrutiny of the Memo of Appeal on 23.07.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 30.07.2019. The Appellant re-filed the Memo of Appeal on 24.09.2019. It is stated in the Interlocutory Application (IA) that inadvertently the file was misplaced in bundles of the other case files. The Appellant got the file when he opened the bundle of other case file. Hence, there is delay of 56 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.07 has also not been cured by the Appellant. Defect No.07 is that "*Page no.57 is hand written and shall be replaced with typed ones.*"

4. 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 56 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

5. As regards defect No. 07, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that *“All defects has been cured except defect No.7. If the Court desired, I will produce exemption application for the same.”* Learned Counsel appearing on behalf of the Appellant also reiterates the same.

6. In view of the above, list the case before the Hon'ble Bench under the heading 'admission with defect' on 27.09.2019.

(Ranjan Kumar)
Registrar (I/c)