

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No.409/2018
(F.No.13/07/2018/ NCLAT/UR/612)

In the matter of:

Spectrum Voyages Pvt. Ltd. Appellant

Versus

Fortis Healthcare Ltd. Respondent

Appearance: Mr. Mukesh Kumar Sinha Advocate for the
Appellant.

30.07.2018

The learned lawyer appearing for the Appellant submitted that on 26.07.2018, the case was posted for hearing on the point of Office note that IA is not supported with declaration and verification and defect Nos.3 and 4 have not been cured and on that day he could not appear in time and an order was passed. But from the perusal of the order, it appears that the order is not related to this case. On his request, the file of *Spectrum Voyages Pvt. Ltd. vs. Fortis Healthcare Ltd.* is called from the Office and on perusal of that I find that on the same day *Spectrum Voyages Pvt. Ltd. vs. Fortis Healthcare Ltd.* and *A.R. Services Pvt. Ltd. vs. Electrosteel Steels Ltd. & Ors.* (which is fixed for today) were also posted and both the files were under the heading of defective appeals and on that day order was passed in both the cases. It appears that due to typographical error the order passed in *A.R. Services Pvt. Ltd. vs. Electrosteel Steels Ltd. & Ors.* was attached with in the file of *Spectrum Voyages Pvt. Ltd. vs. Fortis Healthcare Ltd.*, whereas the order passed in *Spectrum Voyages Pvt. Ltd. vs. Fortis Healthcare Ltd.* was attached in the file of

A.R. Services Pvt. Ltd. vs. Electrosteel Steels Ltd. & Ors., which is listed today.

2. Since, it is a typographical error in both the case records, therefore, the order passed in *Spectrum Voyages Pvt. Ltd. vs. Fortis Healthcare Ltd.* on 26.07.2018 is hereby recalled and put up the case today along with the case record of *A.R. Services Pvt. Ltd. vs. Electrosteel Steels Ltd. & Ors.*

(Abni Ranjan Kumar Sinha)
Registrar

1. Later on Mr. Mukesh Kumar Sinha, Advocate for the Appellant appeared.

2. Heard the learned lawyer appearing for the Appellant and perused the Office note. He submitted that he has already filed Miscellaneous Application, which is duly supported with the declaration and verification and so, the defect pointed out by the Office has already been removed. He further submitted that he has already deposited the authentication fee as required for filing photocopy of the impugned order. He further submitted that the Office pointed out the defect that the Appeal is barred by limitation and therefore, he has filed an application in this respect and so, same may be listed before the Hon'ble Bench.

3. Considering the averments made on behalf of the Appellant and on perusal of the Office note, I find that out of four defects pointed out by the Office earlier, two defects have already been removed by the Appellant. So far defect No. 3 is concerned, the Appellant has already deposited the authentication fee. So far defect No.4 is concerned, the Appellant has filed an application supported with declaration and verification.

4. Since, the defects pointed out by the Office are cured by the Appellant, let the case be listed before the Hon'ble Bench on 02.08.2018 for hearing on the point of admission and limitation.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar