THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL <u>NEW DELHI</u>

Interlocutory Application No.505/2020 Un-numbered Company Appeal (AT) (Insolvency) No.__/2020 (F.No.17.01.2020/NCLAT/UR/131

In the matter of:

Assistant Commissioner of Customs Special Disposal Cell (Port.), Kolkata Appellant

Versus

CA Kannan Tiruvengadam, R.P. of BRG Iron and Steel Company Ltd. & Ors. Respondents

Appearance: None for the Appellant.

31.01.2020

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 17.01.2020 and the Office after scrutiny of the Memo of Appeal on 20.01.2020, intimated the defects to the Appellant on 21.01.2020 and returned the Memo of Appeal to the Appellant 22.01.2020. The Appellant re-filed the Memo of Appeal on 30.01.2020. It is stated in the Interlocutory Application (IA) that the Hon'ble Court and the Counsel for the Appellant are situated in New Delhi, due to which it takes extraordinary time to sign, send and authorise various drafts and documents from Kolkata to Delhi. Hence, there is delay of two 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.1 has also not been cured by the Appellant. Defect No.1 is "As two orders (dt. 19.11.2019 & 30.08.2019 are being challenged, you need to furnish a DD of value Rs.7000/- more i.e. Rs.5,000/- plus Rs.2,000/- (IA for stay and IA for exemption)".

4. No one appeared on behalf of the Appellant. Perused the averments made in the IA as well as Office report.

5. Considering 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 No.1 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that "*w.r.t. defect No.1, I hereby state that only order dt. 19/11/19 has been challenged vide the instant appeal*".

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