

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2612/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.08.08.2019/NCLAT/UR/1005

In the matter of:

BDR Builders & Developers Pvt. Ltd. Appellant

Versus

Fantastic Buildcon Pvt. Ltd. & Anr. Respondents

Appearance: Ms. Chetna Bisht, Advocate for the Appellant.

26.08.2019

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 08.08.2019 and the Office after scrutiny of the Memo of Appeal on 09.08.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 13.08.2019. The Appellant re-filed the Memo of Appeal on 22.08.2019. It is stated in the Interlocutory Application (IA) that the Registry has pointed out certain objections including the objection that the appeal being barred by limitation. Due to the non-availability of applicant/appellant the appeal could not be refiled within the specified period. Hence, there is delay of 06 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.01 has also not been cured by the Appellant. Defect No.01 is that “*Under Clause No.8 of the memorandum of appeal is incomplete*”.

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 regards defect No. 01, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant that “*All defects are removed. I undertakes that Brief facts & Question of Law are treated as same*”. Learned Counsel appearing on behalf of the Appellant also reiterates the same.

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 27.08.2019.

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

(Peeush Pandey)
Registrar