

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.1002/2020
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020
(F.No.20.02.2020/NCLAT/UR/351

In the matter of:

K B Polychem (India) Ltd. Appellant

Versus

Rapt Industries Pvt. Ltd. Respondents

Appearance: Mr Shailender Kumar, Advocate for the Appellant.

04.03.2020

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 20.02.2020 and the Office after scrutiny of the Memo of Appeal, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 24.02.2020. The Appellant re-filed the Memo of Appeal on 02.03.2020. It is stated in the Interlocutory Application (IA) that clerk of the counsel remained absent as his wife was down with high viral fever. When he returned and tried to re-file the Appeal, it was informed by the Registry that there is delay and an application for condoning the delay in re-filing is required. Hence, delay of four days' caused 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.5 has also not been cured by the Appellants. Defect No.5 is "*Annexures on page nos 184 and 220 are dim and illegible.*"

4. Heard learned Counsel appearing on behalf of 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 No.5 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating

that “*Regarding defect No.5, the documents are of opposite party (Corporate Debtor), i.e. I not relying on the same.*”

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