

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.46/2019
Un-numbered Competition Appeal (AT) No. /2019
(F.No.09.08.2019/NCLAT/UR/21

In the matter of:

The Himalaya Drug Company Appellant

Versus

Competition Commission of India & Anr. Respondents

Appearance: Ms. Lakshmi Kruttika Vijay, 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 09.08.2019 and the Office after scrutiny of the Memo of Appeal on 13.08.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 16.08.2019. The Appellant re-filed the Memo of Appeal on 23.08.2019. It is stated in the Interlocutory Application (IA) that Registry has pointed out that in interim stay and exemption application appellant failed to annex the verification and declaration to be signed by the Appellant as required. Due to the intervening holidays, the documents were only executed on August 20, 2019 and were immediately dispatched to the Appellant's counsel, however, due to an unforeseen delay in the courier services, the same were delivered to the counsel at around 5 p.m. on August 20, 2019. Hence, there is a delay of three days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Heard learned Counsel appearing for the Appellant and perused the averments made in the IA as well as Office report.

4. 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.
5. List the case before the Hon'ble Bench under the heading 'for admission' on 27.08.2019.
6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar