

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.61/2019
Un-numbered Competition Appeal (AT) No. ___/2019
(F.No.14.08.2019/NCLAT/UR/25

In the matter of:

Indore Chemist Association & Ors. Appellants

Versus

The Competition Commission of India & Ors. Respondents

Appearance: Mr. Ekansh Mishra, Advocate for the Appellants.

03.09.2019

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellants filed the Memo of Appeal on 14.08.2019 and the Office after scrutiny of the Memo of Appeal on 16.08.2019, intimated the defects to the Appellants on the same day and returned the Memo of Appeal to the Appellants on 31.08.2019. The Appellant re-filed the Memo of Appeal on the same day, i.e., on 31.08.2019. It is stated in the Interlocutory Application (IA) that the procurement of proper legible copies of the annexure, getting the translation and also other defects pointed out by the Registry lead to undeliberate and unintentional delay of eight days in re-filing of the matter, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect Nos.12 and 13 have also not been cured by the Appellants. Defect No.12 is that "*Page nos.228 to 336, 381 to 390 are filed but few papers are dim*". Defect No.13 is that "*Page nos.404 & 405 are filed in Hindi language, file its typed copies in English language.*"

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

5. Considering the submissions made on behalf of the Appellants 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. 12, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that we undertake that we are not relying on these papers. As regards Defect No.13, an endorsement has been made stating that they have cleared the same, but in D.G. report there are papers in Hindi language on which they are not relying. Learned Counsel appearing on behalf of the Appellants also reiterates the same.

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 05.09.2019.

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

(Peeush Pandey)
Registrar