

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

Interlocutory Application No.2762/2020

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020

(F.No.03.02.2020/NCLAT/UR/241

In the matter of:

Pawan Trading Company

.... Appellant

Versus

New Phaltan Sugar Works Ltd. & Ors.

.... Respondents

Appearance: Mr. Arvind Kumar, Proxy Counsel for Mr. Vikrant Singh Bais,
Advocate for the Appellant.

23.11.2020

This hearing has been held through video conferencing.

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 03.02.2020 and the Office after scrutiny of the Memo of Appeal on 04.02.2020, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 05.02.2020. The Appellant re-filed the Memo of Appeal on 21.11.2020. It is stated in the Interlocutory Application (IA) that for curing the defects certain clarifications were required from the Appellant, who is based in a remote area of District Satara, which consumed substantial amount of time and thereafter when the clerk of the Counsel approached this Hon'ble Tribunal to re-file the matter, there was lockdown imposed due to Covid-19 pandemic. Hence, there is delay of 284 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report. The Appellant was required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellant re-filed the Memo of Appeal with a delay of 284 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders.

4. List the case before the Hon'ble Bench under the heading 'for admission with defect'.

(Peeush Pandey)
Registrar