

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Un-numbered Company Appeal (AT) No. ___/2018
(F.No.19/05/2018/ NCLAT/UR/399)

In the matter of:

M/s BS Ltd. Appellant

Versus

Registrar of Companies & Ors. Respondents

Appearance: Shri Kunal Godhwani, Advocate for the Appellant.

23.05.2018

The aforesaid Appeal under Section 421 of the Companies Act, 2013 (hereinafter referred to as the Act) is against the orders dated 27.02.2018 in CA No.85/131/HDB/2017 of the Hon'ble NCLT, Hyderabad Bench.

2. The Appeal is seen presented under Rule 22 on 19.05.2018. The Appeal when scrutinised on 21.05.2018 was found to be defective and hence on the same day the Appellant was informed of the defects with a direction to cure them and submit the same within a period of seven days. The Appeal was re-presented on 21.05.2018 contending that all the defects raised have been rectified. However, it is reported that defect no.2 referred to in the defects sheet has not been cured and hence the matter has been placed before me for necessary orders.

3. Defect no.2 raised is to the effect that the Board Resolution filed is only a xerox copy and therefore, the Appellant was directed to file the original. The Appellant did not comply with the direction, on the other hand an endorsement is seen made in the defects sheet by Advocate Shri Kunal Godhwani, which reads thus:
- *"The instant Appeal is being filed by the same person who had filed the petition before NCLT and the original Board Resolution was filed before the NCLT."*

4. Heard the learned Counsel for the Appellant.

5. Learned Counsel for the Appellant seeks two days' time to produce the original Board Resolution. Hence, the Appellant is granted time till 25.05.2018 to rectify the defect. The Appeal to be listed before the Hon'ble Appellate Tribunal on 29.05.2018 irrespective of the fact as to whether the defect is cured or not.

(C.S. Sudha)
Registrar