

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Interlocutory Application No.3398/2019**  
**Un-numbered Company Appeal (AT) (Insolvency) No. \_\_\_/2019**  
**(F.No.20.09.2019/NCLAT/UR/1219**

**In the matter of:**

B.D. Motors Ltd. .... Appellant

Versus

Monotrone Leasing Pvt. Ltd. .... Respondent

Appearance: Ms. Suhita Mukhopadhyay, Advocate for the  
Appellant.

**05.11.2019**

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 20.09.2019 and the Office after scrutiny of the Memo of Appeal on 21.09.2019, intimated the defects on the same day and returned the Memo of Appeal to the Appellant on 24.09.2019. The Appellant re-filed the Memo of Appeal on 01.11.2019. It is stated in the Interlocutory Application (IA) that Directors of the appellant company are residents of Kolkata. Fresh affidavit dispatched by the Appellant to its representative at New Delhi was received in torn condition and since the Courts at Kolkata were closed in view of Durga Puja, the appellant could not arrange for notarizing the fresh affidavit. Hence, there is delay of 41 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 34 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. As prayed, list the matter before the Hon'ble Bench under the heading 'admission with defect' on 08.11.2019.

(Peeush Pandey)  
Registrar