

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.1732/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.06.05.2019/NCLAT/UR/601

In the matter of:

Radha Kohli & Ors. Appellants

Versus

M/s Logical Jewellers Pvt. Ltd. Respondent

Appearance: Mr. T. Rajat Krishna, Advocate for the Appellants.

23.05.2019

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 06.05.2019 and the Office after scrutiny of the Memo of Appeal on 07.05.2019, intimated the defects and returned the Memo of Appeal to the Appellants on the same day. The Appellants re-filed the Memo of Appeal on 22.05.2019. It is stated in the Interlocutory Application (IA) that the defects could not be cured within the period stipulated by the registry as the appellant is an old man of 65 years and was unwell for a brief period. Hence, there is a delay of 09 days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.04 has also not been cured by the Appellants. Defect No.04 is that General Power of Attorney not filed by Appellant Nos. 1 and 2, authorising Appellant No.3, though it is stated in their affidavit that they have authorised Appellant No.3 to carry out the job on their behalf.

4. Heard the learned Counsel appearing for the Appellants, 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.4, learned Counsel appearing on behalf of the Appellants stated that true copies of General Power of Attorney by Appellant Nos.1 and 2 have been filed and the original will be produced for inspection as and when directed by the Hon'ble Tribunal.

7. List the case before the Hon'ble Bench under the heading 'for admission' on 24.05.2019.

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

(Peeush Pandey)
Registrar