

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2240/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.06.06.2019/NCLAT/UR/761

In the matter of:

M/s. Cap Float Financial Services Pvt. Ltd. Appellant

Versus

M/s. Rave Scans Pvt. Ltd. Respondent

Appearance: Ms. Nazia Parveen, Advocate for the Appellant.

22.07.2019

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 06.06.2019 and the Office after scrutiny of the Memo of Appeal on 07.06.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on the 11.06.2019. The Appellant re-filed the Memo of Appeal on 18.07.2019. It is stated in the Interlocutory Application (IA) that Clerk of the Counsel could not refile the appeal due to his health issue and he was on leave and no one in the office was aware about the pendency of refiling of the present appeal. The delay of 34 days in re-filing the Memo of Appeal is unintentional and not deliberate, 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. List the matter before the Hon'ble Bench under the heading 'admission with defect' on 23.07.2019.

(Peeush Pandey)
Registrar