

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.3415/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.16.10.2019/NCLAT/UR/1364

In the matter of:

Morpheus Developers Pvt. Ltd. Appellant

Versus

Sandeep Kumar Bhatt (R.P.) Respondent

Appearance: Mr. Siddhartha Nagpal, 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 16.10.2019 and the Office after scrutiny of the Memo of Appeal on 17.10.2019, intimated the defects and returned the Memo of Appeal to the Appellant on the same day. The Appellant re-filed the Memo of Appeal on 02.11.2019. It is stated in the Interlocutory Application (IA) that clerk of the counsel for the Appellant tried to refile the Appeal on 24.10.2019, however, there being a long que, the clerk could not refile the same before closing of the registry on 25.10.2019. Hence, there is delay of nine 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 Nos.5, 8 & 10 have also not been cured by the Appellant. Defect No.5 is "*Fees of 5000/- is required to be deposited for order (as appeal is preferred against 2 orders 18.09.2019 & 26.09.2019)*". Defect No.8 is "*Fees of Rs.1000/- to be filed for IA (for stay)*". Defect No.10 is "*Fees of Rs 2000/- is required to be deposited for I.A. (for exemption)*".

4. Heard learned Counsel appearing for the Appellant and perused the averments made in the IA as well as Office report.

5. Considering the submissions made on behalf of the Appellant 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 regard defect Nos.5, 8 & 10 are concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that *“All defects have been cured except 5, 8 & 10. The order dated 26.09.2019 challenged by the Appellant along with the impugned order dated 18.09.2019 has not been challenged by the Appellant as the Appellant shall be filing a separate appeal challenging the said order dated 26.09.2019 on different grounds. Hence the Appellant has only impugned the order dated 18.09.2019 in the present Appeal.”*

7. In view of the above, as prayed, list the case before the Hon'ble Bench under the heading 'for admission' on 11.11.2019.

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

(Peeush Pandey)
Registrar