

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

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.09/03/2018/ /UR/165)**

**In the matter of:**

Mr. Suresh Narayan Singh

.... Appellant

Versus

Tayo Rolls Limited

.... Respondent

Appearance:       None for the Appellant.

**23.03.2018**

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 03.01.2018 in C.P. (IB)No.701/KB/2017 of the Hon'ble NCLT, Kolkata Bench.

2. The Appeal is seen presented before the Registry under Rule 22 on 09.03.2018. The Appeal when scrutinised on 13.03.2018 was found to be defective and hence, on the same day the Appellant was informed of the defects with a direction to cure them within a period of seven days. The Appeal was thereafter presented on 20.03.2018 on the ground that all the defects have been cured. The Section points out that defect no.1, 5 & 8 stated in the defects sheet have not been rectified and that the counsel for the Appellant disagrees to defect no.8 and hence the matter has been placed before me for appropriate orders.

3. Defect no.8 raised is that the appeal is barred by limitation. The certified copy of the impugned order dated 03.01.2018 produced is a paid copy. Therefore, the office was right in computing the period of limitation from the next day of the order, i.e., from 04.01.2018 and when so computed the period of limitation of 30 days would expire on 02.02.2018. The Appellant is seen to have made an application for obtaining the certified copy much after the period of limitation, i.e., only on 23.02.2018. The application for obtaining the certified copy is seen filed only on

23.02.2018 and the copy is seen issued on 28.02.2018. The Appeal is obviously filed after the period of limitation and therefore, the objection raised by the Registry is justified.

4. Defect no.1 is that caveat clearance has not been filed. In the light of the directions dated 06.02.2018 given by the Hon'ble Chairperson under Rule 104 of the Rules relating to filing of caveat, it is now necessary for the Appellant to state whether any caveat has been filed or not. This has also not been complied with by the Appellant herein.

5. As per Rule 21 every interlineation, correction or deletion in an appeal shall be initialled by the party or his authorised representative. Defect no.5 raised is that corrections in certain pages of folder no.2 and 3 have not been initialled.

6. The stand taken by the Registry that defect no.1, 5 & 8 referred to in the defects sheet have not been cured is justified and hence exercising the power under sub-rule (3) to rule 26 the Appellant is directed to cure the defects within two days, failing which the Appeal be listed before the Hon'ble Appellate Tribunal along with an office report stating that the Appeal continues to be defective.

(C.S. Sudha)  
Registrar