

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

**Un-numbered I.A. No. /2017**

**In**

**Company Appeal (AT) No.31/2016**

**In the matter of:**

Ranchi Metal & Ispat Pvt. Ltd. & Ors.

.... Applicants

Versus

Surjeet Singh

.... Respondent

Appearance:       None for the Applicants.

**09.11.2017**

The present Application (no provision of law mentioned) is stated to have been filed for modification/ variation and/ or vacating the judgment of this Hon'ble Appellate Tribunal dated 20.02.2017, by which the aforesaid Appeal was disposed of with certain modifications in the order dated 10.11.2016 in C.P. No.104/2014 of the Hon'ble NCLT, Kolkata Bench.

2. The Application when scrutinised on 02.11.2017 was found to be defective and hence, on the same day the authorised representative of the Applicants, Ms. Suhita Mukhopadhyay, practicing Company Secretary was informed of the defects. The defective Application was returned with a direction to re-submit the same after curing the defects within a period of seven days. However, the Application has been re-submitted without curing all the defects pointed out by the Scrutiny Section and hence, the matter has been put up before me for appropriate orders.

3. Out of the three defects pointed out, only two have been rectified. The third defect that has been pointed out is that the I.A. has not been signed by an authorised person. On perusal, it is seen that the I.A. and the affidavit accompanying the same are signed by one Usha Rani, whereas the Board Resolution placed at page 206 of the paper book reads: - "Resolved further that Mr. Prakash Kumar, Director be and

is hereby authorised to affirm and file Appeal before the concerned Hon'ble NCLAT against the order of NCLT, Kolkata dated 10.11.2016 in C.P. No.104/2014 along with all the required documents and papers and represent the company in the aforesaid proceeding before the Hon'ble Court and to do all such acts, deeds and things as may be necessary in connection therewith and incidental thereto including appointment and re-appointment of Advocates to represent the Company before the Hon'ble Court.”

4. Therefore, it is apparent that the signatory of the Application in question is not the person authorised by the Company to act on its behalf. Hence, invoking the power under sub-rule (3) to rule 26 of the NCLAT Rules, 2016, the Applicants are directed to rectify the defect within a period of seven days from this day, i.e., on or before 16.11.2017.

(C.S. Sudha)  
Registrar