

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) No.54/2025

In the matter of:

Mr. CK Sreenathan & 13 Ors.

... Appellants

V

BgSE Properties & Securities Ltd. & 5 Ors.

...Respondents

Present :

For Appellant : Mr. A Murali, Advocate

ORDER
(Hybrid Mode)

06.06.2025:

The challenge in the instant Company Appeal is to the Impugned Order, which was rendered by the Learned adjudicating Authority, as back as on 29.04.2024 in CA No. 30/2024 in CP No. 113/BB/2022. The Appeal was e-filed on 11.06.2024 and the Registry pointed out certain defects, which was required to be rectified by the Appellant. Since the same was not done within the specified time given by the Registry, the Appeal was dismissed under Rules 26(3)(4) of NCLAT Rule, 2016, by an order passed by this Appellate Tribunal on 09.09.2024. The same was sought to be recalled by the Appellant by filing restoration application in IA No. and the order was recalled by an order passed by this Appellate Tribunal on 03.02.2025 giving liberty to the Appellant to refile the Appeal.

The Appeal was refiled on 14.02.2025 and on the date of the refiling the Registry pointed out the defects, which is yet to be rectified by the Appellant, as

on date. The Appeal, though it was numbered, still carries the defect as pointed by the Registry. In that eventuality, there cannot be a recurring opportunity which could be granted to the Appellant to rectify the defects, that too, in an Appeal which puts a challenge to the impugned order dated 29.04.2024, which was passed more than a year back. It clearly shows that there had been a lack of diligence and dereliction on part of the Appellant. The Company Appeal would accordingly stand dismissed.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

RO/MS/RS