

16.02.2023
SL No.51
Court No.8
(gc)

FMAT 696 of 2021

**Union of India & Anr.
Vs.
Rayco Engineering Syndicate**

Mr. Debasish Chattopadhyay,
...for the Appellants.

It appears from the order passed by the Registrar Administration (L&OM) dated 19th January, 2023, the following defects still persist, namely:-

- 1) The instant appeal is barred by 399 days and no application for condonation of delay has been filed with the memo of appeal.
- 2) Proper Court fees being Rs.500/-, instant memo of appeal is preferred with Court fees of Rs.60/- leaving a deficit of Rs.440/-.
- 3) The preamble is bereft of the name of the Ld. Trial Judge.
- 4) The memo of appeal needs to be classified in words at its head.

On 19th January, 2023, before the Registrar Administration (L&OM), Mr. Chattopadhyay, learned Advocate representing the appellants appeared and submitted that the compliance would be made only after obtaining necessary instruction from the appropriate authorities. The Registrar Administration (L&OM) placed this matter in view of our judgment and order in FA 22/2022. In view of the fact that no attempt has been

made to remove the said defects, the appeal has now become time-barred.

Mr. Chattopadhyay submits that he has not received any instruction regarding removal of the defects.

It clearly shows that the appellants are not interested to proceed with the matter.

Accordingly, the appeal stands dismissed as time-barred and for non-payment of deficit court fees.

Interim order, if any, stands vacated.

L.C.R., if arrived, be sent down to the appropriate Court.

(Uday Kumar, J.)

(Soumen Sen, J.)