

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT) No. 107 of 2020

IN THE MATTER OF:

Mr. Shivang Prakashchandra Patel & Anr. ...Appellants

Vs

Mr. Bhavesh Devidas NarumalaniRespondent

Present:

For Appellants: Mr. Ritin Rai, Sr. Advocate along with Natasha Dhruman Shah, Advocate

For Respondent: None.

ORDER
(Through Virtual Mode)

27.07.2020 Heard learned Counsel for the Appellants. The Appeal has been filed as the I.A. filed by the Appellants for rectification what is stated to be missing in the decision dated 15.03.2017 read with order dated 26.04.2017 passed by NCLT Ahmedabad Bench has been dismissed. Learned NCLT Ahmedabad Bench has rejected the Application for reasons recorded and also observed that since there was an Appeal it cannot be rectified as part. It does appear that against the initial order of NCLT, Ahmedabad Bench, - copy of which is at Annexure-A3, there was an Appeal before this Tribunal - copy of the order of which is at Annexure-A4. When the Appeal was filed and has been decided, the original order would naturally merge with the order of the Appellate Tribunal and in such a situation, considering of Section 420 of the Companies Act, 2013, fault cannot be found with the NCLT Ahmedabad Bench for not entertaining the Application for rectification. We do not find NCLT Ahmedabad Bench erred in not entertaining the Application. Learned Counsel for the Appellants has already

been given liberty by NCLT Ahmedabad Bench to approach NCLAT Higher Forum, for alleged rectification. If the Appellant wants to rectify the order passed by this Tribunal in Appeal, it is for Appellant to see what Application would have to be filed, which would naturally be considered as per law. We cannot forget limitation for rectification and the fact that even Judgment of this Tribunal appears to have been further upheld by Hon'ble Supreme Court in Civil Appeal No. 2425 of 2018 dated 23.03.2018.

Appeal is disposed of accordingly.

[Justice A.I.S. Cheema]
Member(Judicial)

[Justice Venugopal M.]
Member (Judicial)

(Kanthi Narahari)
Member(Technical)

Akc/Md