

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 221 of 2020

IN THE MATTER OF:

Gloster Ltd.

(Formerly Known as Kettlewell Bullen & Co. Ltd.)

...Appellant

Versus

Bowreah Jute Mills Pvt. Ltd. & Ors

...Respondents

Present:

For Appellant:

Mr. P. K. Jhunjunwala, Mr. Anil Agarwalla, Ms. Neha Sharma, Ms. Monalisa Kosaria and Mr. Mahesh Agarwalla, Advocates.

For Respondents:

Mr. Abhrajit Mitra, Sr. Advocate with Mr. D. N. Sharma, Mr. Kunal Chatterji, Mr. P. C. Sharma, and Mr. Anirudha Agarwalla, Advocates.

Mr. Maharshi Viswaraj, Advocate and Mr. Amit Rajkotiya, PCS

ORDER

(Through Virtual Mode)

04.12.2020: National Company Law Tribunal, Kolkata Bench, Kolkata in exercise of power conferred on it under National Company Law Tribunal Rules, 2016 corrected as many as 16 errors that are stated to have occurred in order dated 27th February, 2020 passed in Misc. A. No. 948/KB/2019 in CP(CAA) No. 518/KB/2017, connected with CA(CAA) No. 207/KB/2017. The impugned order appears to have been passed upon being mentioned on 11th March, 2020 for rectification of some typographical errors that occurred in the order.

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2. Learned counsel for the Appellant submits that the order has been passed without notice to Appellant and that under garb of rectification, substitution has been made to the detriment of the Appellant. Reference in this regard is made to paragraph 2(XVI) of the impugned order wherein the expression 'Respondent' has been substituted by 'predecessors of the Respondent'. However, Shri Abhrajit Mitra, Senior Advocate representing the Respondent submits that the impugned order came to be passed in presence of Shri P. K. Jhunjhunwala, learned counsel representing the Appellant. After going through the record we find that the impugned order has been passed in presence of Shri P. K. Jhunjhunwala, Senior Advocate. Sanctity is attached to the judicial record and the Appellant is estopped from disputing the authenticity of the record. The issue raised on this score is repelled.

3. We find that the corrections made in terms of the impugned order are some expressions substituted by other which may be attributed to typographical error. The Hon'ble Members of the Bench were expected to be careful before signing the order as it does not appear to be a case of one or two errors having crept in the order but as many as 16 errors as emerging from the impugned order. The magnitude of errors demonstrates lack of care on the part of the Bench in pronouncing the order without going through the draft of the order carefully. We

expect the Bench to be careful in future. Be that as it may, we do not find any merit in this appeal. Same is dismissed.

4. We are told that an appeal being Company Appeal (AT) No. 155 of 2020 has been preferred against the basic order dated 27th February, 2020 in which mistakes/errors have been rectified by means of the impugned order and it is stated to be listed before this Appellate Tribunal. We make it clear that the disposal of this appeal will have no bearing on the merits of the appeal pending consideration.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

am/gc