

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

C.P No.- 04/2013

Present: Hon'ble Member (J) Shri Vijai Pratap Singh  
Hon'ble Member (J) Shri Jinan K.R

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 15<sup>th</sup> December 2017, 10.30 A.M

Name of the Company	Abhyudya Trading Ltd. & Anr.-Vs_Jatia Cotton Mills Ltd. & Ors.		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date


1. Mr. Pranik K. Ray, Sr Adv

2. Mr. D. N. Sharma

3. Sankar S. Sarker, Adv

4. Rajib Mullick, Adv, 5. Rakesh Sarker, Adv

for  
R-4

  
15/12

1. Mr. Keetobrata Mitra

2. Mr. Soumabho Ghosh

3. Mr. Anjan De

4. Mr. Payal Saha

} For the  
Petitioners


P. Saha  
15/12

1) Ratnesh K. Rai, Adv

2) Animesh Bera, Adv

3) Sourjoy Bhattacharya, Adv

} For L.R.  
of R-5

  
15/12

1) Nirmalya Dasgupta

2) Gargi Manna

} For Respondent 1.

Gargi Manna  
Advocate  
15/12/17



## **ORDER**

Ld. Counsel for the petitioners and the respondent nos. 1, 4 and 5 are present.

I.A. No. 342/KB/2017 has been filed by the respondent no. 4 with a prayer for recalling the order dated 09/03/2017. On perusal of the order dated 09/03/2017 it appears that the then Member (Judicial), Ms. Manorama Kumari has passed the said order whereby she has rejected the I.A.No. 1807/2015.

Ld. Counsel for the respondent has made a request that order may be passed for recalling the order under Section 420 of the Companies Act, 2013 read with Rule 11 of NCLT Rules, 2016.

Section 420 of the Companies Act, 2013 empowers the Tribunal to amend or rectify any order if there is any error apparent in the order. Under Rule 11 of the NCLT Rules, 2016 the Tribunal has inherent power to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal.

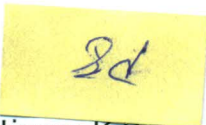
However, the order passed by Hon'ble Ms. Manorama Kumari is an order passed on merit. If the applicant is aggrieved by the said order he can challenge the said order before the appropriate authority. Under Section 420 of the Companies Act, 2013 order passed on merit cannot be recalled. In the circumstances I.A. No. 342/KB/2017 is rejected.

Both the parties are directed to file written submissions within 3 weeks with a copy in advance to the opposite parties.

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List it on 17/01/2018 for arguments.

  
(Jinan K.R.)  
Member (J)

  
(V.P.Singh)  
Member (J)