

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO. 926/2016
CA NO.

CORAM:


PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. R.VARADHARAJAN
Hon'ble Member (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE PRINCIPAL BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 25.04.2017

NAME OF THE COMPANY: Sudhir Sales ET Service Pvt. Ltd.
V/S
Comfort Net Traders Pvt. Ltd

SECTION OF THE COMPANIES ACT: 433(e)(f)&434

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
2	Piyushkaurik	Advocate	Applicant	

ORDER

This order shall dispose of C.A. No. 90 (PB)/2017 in C.P. No. 926/2016 and C.A. No. 91(PB)/2017 in C.P. No. 908/2015. These applications have been filed with a prayer for recalling order dated 02.03.2017 passed by this Bench and for restoring the C.P. No. 926/2016 and C.P. No. 908/2015 in their original form. According to the order dated 02.03.2017, we have dismissed the petition filed under Section 433 & 434 of the Companies Act, 1956 read with Rule 6 & 9 Companies (Court) Rules, 1959 which was received on transfer from Delhi High Court. After granting adequate time in accordance with the Companies (Transfer of Pending Proceedings) Rules, 2016 the aforesaid order was passed yet liberty was granted to the applicant to file a fresh petition.

The present application has been filed on the ground that the Central Government, Ministry of Corporate Affairs has issued a notification dated 28.02.2017 (Annexure A/2) extending the period of sixty (60) days to six (6) months. Learned counsel has placed reliance on Rule 154 of the NCLT Rules, 2016

Contd.

to argue that this Court can review and recall its order. According to the learned counsel the present application would be covered by the expression that it is an 'error arising from accidental slip or omission' as used in Rule 154 of the NCLT Rules, 2016.

Having heard the learned counsel for the applicant-petitioner, we are of the view that this cannot be regarded as accidental slip or omission particularly when we have discussed the Transfer Rules and have dismissed the petition by giving liberty to the petitioner to file a fresh petition under The Insolvency and Bankruptcy Code, 2016. We do not understand the difficulty in availing the liberty given by the Court because even if the petition is restored eventually it has to be brought under the provisions of IBC by filing compliance affidavit. Therefore, we do not find any ground to recall the aforesaid order.

Accordingly, the application is dismissed.

Sd/-

(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

Sd/- (M)

(R.VARADHARAJAN)
MEMBER (JUDICIAL)

25.4.2017
Vineet