

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

Mentioning

334

**T.A. No. 31 /2017**  
CP No.-151/2015, HC  
CA.No. 764/2014

**Present: Hon'ble Member (J) Shri Vijai Pratap Singh**  
**Hon'ble Member (T) Shri S.Vijayaraghavan**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 06<sup>th</sup> February, 2017, 10.30 A.M**

Name of the Company		Hamilton and Company Ltd & Anr.	
Under Section		<b>391(2)</b>	<b>Amalgamation</b>
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

PRAKASH CH. PANDEY.

Petitioner

*P. C. Pandey*  
Advocate  
6/02/17

**ORDER**

Ld. Counsel for the petitioner is present.

This T.A.No. 31/2017 has been moved by the petitioner Hamilton and Company Ltd. and others relating to C.P.No. 151/2015 for incorporating the fresh Schedule of Assets in the Order dated 25/02/2016 and 17/03/2016 passed by the Hon'ble High Court.

The petitioner has stated that the C.P.No. 151/2015 was disposed of by the Hon'ble Calcutta High Court on 25/02/2016 whereby the petition was allowed and an Order in terms of prayer (a) to (i) of the said petition was passed and while recording the order instead of prayer "(a) to (i)", it was recorded as order in terms of


“prayer (c) to (i)”. The applicant has further stated that the matter was mentioned before the Hon’ble Court on 17/03/2016 and the Hon’ble Court was pleased to allow the correction and observed that “order in terms of prayer (a) to (i) of the petition” should be read in place of “order in terms of prayer (c) to (i)” of the order dated 25/02/2016.

In terms of the order dated 25/02/2016 petitioner filed the schedule of assets of the transferor companies on 11<sup>th</sup> March, 2016. A copy of the schedule of assets has been marked as annexure “B” of the petition. The petitioners have further stated that while filing the schedule of assets due to inadvertence some mistakes crept in the schedule of assets. Therefore, petitioner has stated that order be passed incorporating the fresh schedule of assets in the order dated 25/02/2016 and 17/03/2016 .

On perusal of the petition it appears that the Hon’ble High Court has on 17/03/2016 already amended its order dated 25/02/2016. Any schedule of property is only in the file of the High Court and schedule of property was also amended by the order of the Hon’ble High Court dated 17/03/2016. Therefore, it is clear any correction in the order if required can only be done by the Hon’ble High Court which has passed the order. NCLT does not have jurisdiction to make correction in the order passed by the Hon’ble High Court. Therefore the Company Application which has been

numbered as T.A.No. 31/2017 deserves to be dismissed, as NCLT does not have any powers in this regard.

T.A.No. 31/2017 is dismissed as not maintainable. The petitioner is at liberty to initiate the proceeding before the appropriate forum.

  
(S. Vijayaraghavan)  
Member (T)

  
(Vijai Pratap Singh)  
Member (J)