

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

**CA No. 64/2017
IN
CP NO. 40(ND)/2015
RT No.38/2016
(Decided matter)**

Sunil Maheshwari & Ors.

...Petitioners

Versus.

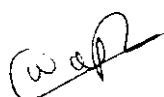
M/s Rai Bahadur Kishore Chand & Sons Pvt. Ltd. & Ors. ...Respondents

Present: Varun Dev Mishra, Advocate for petitioners No. 1 and 2.
Ms. Aastha Ray, Advocate of Dua Associates for
respondents No. 2 to 4.

The instant Company Application No.64/2017 has been filed in CP No.40(ND)/2015 / RT No.38/2016 for rectification of the error which cropped up in the order dated 19.01.2017 passed by the Tribunal while disposing of the petition. In paragraph 2.7 of the order it was recorded by mistake that respondents' father died in 2007 whereas the respondents' father had retired from active participation in the company in the year 2007

Notice of motion of the application to the respondents. Ms. Aastha Ray, Advocate from Dua Associates who had been representing the respondents in the main petition is present and has accepted the notice. Learned counsel for respondents does not dispute the above proposition of fact and thus the prayer made in the application filed by the petitioner is not opposed. Sub-section (1) of Rule 154 of the NCLT Rules, 2016 reads as under:-

*"Any clerical or arithmetical mistakes in any order of the
Tribunal or error therein arising from any accidental slip or omission*




:2:

may, at any time, be corrected by the Tribunal on its own motion or on application of any party by way of rectification."

Learned counsel for petitioners submits that this application has been filed in NCLT Form No.9 in terms of sub rule (2) of Rule 154 of NCLT Rules, 2016.

In view of the above, the application is allowed and the first sentence of paragraph 2.7 of order dated 19.01.2017 passed in CP No.40(ND)/2015 / RT No.38/2016 be rectified to read as "In the pleadings and during arguments it is stated that when the Respondents' father retired from business in 2007" in place of "In the pleadings and during arguments it is stated that when the Respondents' father died in 2007".

Registry would make necessary compliances in the main order and the corrected copy of the judgement be supplied to both the parties.


(Justice R.P. Nagrath)
Member (Judicial)

May 25, 2017
Arora