

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins) No.833 & 834 of 2025

In the matter of:

Anil Kumar & Ors. ...Appellants

Vs.

Majinder Singh Sandhu & Ors. ...Respondents

Present:

Appellant: Mr. Sunil Fernandez, Sr. Advocate with Mr. Milan Singh Negi, Advocate

Respondent: Mr. Abhishek Anand, Mr. Nipun Gautam, Advocate for R-1 to 10
Mr. Karan Kohli and Ms. Palak Kalra, Advocates

O R D E R
(Hybrid Mode)

2.6.2025 - This Appeal is directed against the Order dated 9th May, 2025 and 21st May, 2025 passed by the NCLT, New Delhi.

The matter pertains to I.A. No.3143 of 2022 which came to be filed by the Respondent herein for the constitution of COC. On 2nd May, 2025, the Tribunal passed the following Order:-

“Heard the arguments on behalf of the Applicant, Ld. Counsel for R-12 as well as Resolution Professional. Ld. Counsel for R-12 was asked whether R-12 got any confirmation from RP regarding the receipt of the letter dated Mamta 02.05.2025 14.01.2021. Ld. Counsel for R-12 submitted that they did not get any receipt from RP and R-12 has filed no such document in this regard. All the parties are directed to file

written submissions within ten days. List the matter for compliance on 19.05.2025.”

On 19th May, 2025, the Tribunal passed the following Order:-

“IA/3143/ND/2022

This Tribunal by order dated 02.05.2025 passed the following order:

“Heard the arguments on behalf of the Applicant, Ld. Counsel for R-12 as well as Resolution Professional. Ld. Counsel for R-12 was asked whether R-12 got any confirmation from RP regarding the receipt of the letter dated Mamta 02.05.2025 14.01.2021. Ld. Counsel for R-12 submitted that they did not get any receipt from RP and R-12 has filed no such document in this regard. All the parties are directed to file written submissions within ten days. List the matter for compliance on 19.05.2025.”

Arguments have already closed by order dated 02.05.2025. All the parties are directed to file written submissions within a week's time.

List on 04.06.2025.”

Thereafter, the Appellant filed I.A. 2398 of 2025, invoking Rule 15 of the NCLT Rules, 2016 for filing Reply on behalf of Respondents No.7, 10 and 11 in I.A. 3143 of 2022. The said Application has been rejected by the Tribunal by the impugned Order dated 21st May, 2025 which read as under:

“New IA/2398/ND/2025

This is an application under Rule 11 read with Rule 15 of the National Company Law Tribunal Rules, 2016 seeking liberty of this Hon'ble Tribunal to place on record the response/ reply

affidavit on behalf of respondent no(s). 7, 10 & 11 therein to I.A. no. 3143 of 2022.

This Adjudicating Authority vide order dated 19.05.2025, had directed the parties to file written submissions within a week. Therefore, the present application i.e. IA/2398/ND/2025 stands dismissed as rejected.

Registry is directed to submit a report with an explanation how they have allowed and accepted the above said reply when the arguments had already been closed vide order dated 02.05.2025.”

Learned Counsel for Appellant has submitted that though the Tribunal has granted permission to file written submissions but without the Reply written submissions cannot be filed. On other hand, Counsel for Respondents No.1 to 10 has submitted that the Appellant cannot be given time to file Reply except for written submissions. He has referred to an Order passed by the Tribunal on 15th May, 2025 where Mr. Majinder Singh, Advocate had appeared on behalf of Respondents No.5, 7, 10 and 11 and no Reply was filed to the Application bearing I.A. 3143 of 2022. The proceeding recorded on 15th May, 2023 is reproduced as under:-

“IA/3143/ND/2022

Heard the submissions made by Proxy-Counsel for the Resolution Professional in IA/3143/ND/2022. Proxy-Counsel for Resolution Professional submitted that main counsel is on his legs before another Court and prayed for an adjournment. Remaining IAs and main matter be fixed for 01.06.2023.”

In this regard, Counsel for the Appellant has submitted that there was no representation on behalf of the Respondents No.7, 10 and 11 and the presence of Mr. Majinder Singh has been wrongly recorded.

We have heard Counsel for the parties. It has been well settled by the Hon'ble Supreme Court in the case of "**State of Maharashtra vs Ramdas Shrinivas Nayak & Anr**" decided on 28 July, 1982 - 1982 AIR 1249 that the record of the Court is correct until and unless an application is made to the same Court for any correction in case there is any error. No such application was filed by the Appellant that there was no representation on behalf of Respondents No.7, 10 and 11. The Appellant after the arguments were closed on 7th May, 2025 cannot permitted to file the reply now because if this practice is allowed to be followed then there shall be no end to the filing of the pleadings and the cases cannot be concluded.

In view of the aforesaid circumstances, we do not find any merit in the arguments of the Counsel for the Appellant and as such the present Appeal is dismissed.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Barun Mitra]
Member (Technical)

rs/ravi