

**NATIONAL COMPANY LAW TRIBUNAL**

**COURT ROOM NO. 1,**

**MUMBAI BENCH**

**Item No. 18**

**CA 221/2024 (NEW CA) IN C.A.(CAA)/41(MB)2024**

CORAM:

**SH. PRABHAT KUMAR      JUSTICE VIRENDRASINGH BISHT (Retd.)**

**HON'BLE MEMBER (TECHNICAL)    HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON **02.07.2024**

NAME OF THE PARTIES:    **FIFTH GEAR VENTURES LIMITED**

Section 230(1) of the Companies Act, 2013 and Rule 11

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**ORDER**

**CA 221/2024 (NEW CA) IN C.A.(CAA)/41(MB)2024**

- 1) Ms. Devanshi Sethi, Ld. Counsel for the Applicant is present.
- 2) The present Company Application has been filed jointly by the Applicant Companies seeking rectification of the order of this Bench dt. 14.05.2024.
- 3) It is submitted that at para No. 12 of the order dt. 14.05.2024, it is not practical for the Applicant Company to do Hand Delivery of Notices for All Creditors. Accordingly, the Applicant Companies plead that in addition to sending E-mails (wherever E-mail ID is available) and option be made available to dispatch the physical Notices either by way of Courier of Registered Post Acknowledgement Due (RPAD) or Speed Post or Hand Delivery.

- 4) Further, at Para 17(d), instead of “The Official Liquidator, Nagpur” it should be read as The Official Liquidator, High Court, Bombay, as the registered offices of the Applicant Companies are situated in Mumbai and not in Nagpur.
- 5) After perusing the material available on record and upon perusal of the order, this Bench deems it fit and appropriate to rectify the said inadvertent errors which are occurred in the order of this Bench dt. 14.05.2024, passed in CA (CAA) 41 of 2024. Accordingly, this Bench modifies its Order dated 14.5.2024 in the following manner –
- In para 12, 10<sup>th</sup> Line of page 9 of the order, the word ‘and’ occurring after the words Registered Post Acknowledgement Due (RP AD) shall be substituted by the word ‘or’.
  - In para No. 17(d), the words “The Official Liquidator, Nagpur” shall be substituted by the words ‘The Official Liquidator, High Court, Bombay’.
- 6) Accordingly, this Bench allows the present Interlocutory Application thereby modifying the order dt. 14.05.2024, passed in C.A. (CAA) 41 of 2024, as more particularly explained in Paragraph 3 and 4 of this Order. This order shall form part of the order dt. 14.05.2024, passed in C.A. (CAA) 41 of 2024 and the rest of the order shall stand unaltered.

7) With the aforesaid observations and directions, the Company Application bearing CA No. 221 of 2024, is disposed of as Allowed. There will, however, be no order as to costs. Ordered Accordingly.

**Sd/-**

**PRABHAT KUMAR  
MEMBER (TECHNICAL)**

Vedant Kedare

**Sd/-**

**JUSTICE VIRENDRASINGH BISHT  
MEMBER (JUDICIAL)**