

IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI COURT III

Item No.104

New IA(Com.A336/2022
in CAA-79(ND)/2020

IN THE MATTER OF:

Oswal Exports Pvt. Ltd. and 2.SKA Holdings Pvt.
Ltd. (Earlier SKA Holdingd Ltd.)

.....APPLICANT /PETITIONER

SECTION

230-232

Order delivered on 20.12.2022

CORAM:

SHRI ATUL CHATURVEDI
MEMBER (TECHNICAL)

SHRI BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL)

PRESENT:

For the Applicant :Mr. Saurabh Kalia, Advocate.
For the Respondent :

ORDER

IA/336/2022

This application has been filed by the Petitioner seeking rectification of order dated 11.11.2022 and for other consequential directions. It has been stated by the Applicant that CAA-79/ND/2020 was filed under Section 230-232 of the Companies Act 2013 (2nd Motion) seeking approval of scheme of amalgamation of the companies involved in this matter. On 11.12.2020, this Tribunal was pleased to issue notice to the Statutory Authority and also directed to publish notice in newspapers. Thereafter this matter was listed for hearing before this Tribunal on 22.09.2022 and order was reserved after hearing the parties. The order was pronounced on 11.11.2022.

It is submitted by Mr. Sourabh Kalia, Ld. Advocate, appearing for the Applicant, that inadvertently the order which was passed on 11.12.2022 pertains to issuance of directions to publish notice in press and to issue notices to the Statutory Authorities, which was already done

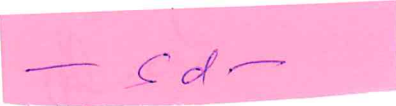
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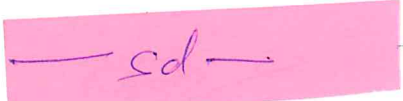


vide order dated 11.12.2020. He stated that in fact an order approving the scheme of amalgamation ought to have been passed in the Second Motion Petition. Mr. Sourabh Kalia, Ld. Advocate has drawn our attention to the Section 420(2) of the Companies Act 2013 and Rule 11 of NCLT Rules 2016 and prayed that in exercise of the powers contained in the said provisions, the order dated 11.11.2022 be rectified.

Since inadvertently mistake has crept in, in the order dated 11.11.2022, in which, by mistake the order pertaining to issuance of notice to Statutory Authorities has been passed instead of passing an order approving the scheme of amalgamation, we in exercise of the powers conferred under Section 420(2) of the Companies Act, 2013 and Rule 154(1) of the NCLT Rules 2016 read with Rule 11 of the NCLT Rules, rectify/recall the order dated 11.11.2022 and direct the Registry to list the main matter i.e. CAA-79/2020 for denovo hearing and passing necessary orders.

List the matter on **18.01.2023**.


(ATUL CHATURVEDI)
MEMBER (TECHNICAL)


(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)