

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH COURT NO. II
KOLKATA**

Misc. Application No. 22 of 2022

Connected with

C.P. (CAA) NO. 151/KB/2019

Connected with

C.A. (CAA) NO. 296/KB/2018

***An Application under Section 11 of the National Company Law
Tribunal Rules, 2016 and under Section 230-232 of the
Companies Act, 2013***

IN THE MATTER OF:

Frontier Warehousing Limited, a company incorporated under the Companies Act, 1956 and having its registered office at East India House, 20B, Abdul Hamid Street, 3rd Floor, Suite 3F, Kolkata-700069, within the aforesaid jurisdiction.

... Applicant.

Date of pronouncing the order: June 05, 2024.

CORAM:

SMT. BIDISHA BANERJEE, HON'BLE MEMBER (JUDICIAL)

SHRI D. ARVIND, HON'BLE MEMBER (TECHNICAL)

Appearance:

For the Applicant: Mr. A. Guha, Adv.

ORDER

PER Bidisha Banerjee, Member (Judicial):

1. This Court is congregated through hybrid mode.
2. This Application has been preferred by Frontier Warehousing Limited under Section 11 of the NCLT Rules, 2016 seeking to allow the applicant company to get revised drawn up order with the revised schedule of assets.
3. The Learned Counsel for the Applicant submits that after pronouncement of the order on 09th December, 2019, the Authorized Representative of the Applicant company has applied for drawn up order with the Registry with the schedule of assets and liabilities as on 31st December, 2017. Due to typographical error in the application of drawn

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up order, words as mentioned in the schedule of the assets in Part I and II i.e., freehold and leasehold properties got interchanged.

4. We find that the order of approval of scheme of amalgamation under section 230-232 of the Companies Act, 2013 was on 09th December 2019 and the drawn up was issued by the Registry on 17th December, 2019. We have noted that this application has been preferred on 29.11.2022 due after three years from the pronouncement of the order and issuance of drawn up.

5. We, at this juncture, would refer to Rule 154 of the NCLT Rules, 2016, which envisages that any clerical or arithmetical mistakes in any order of the Tribunal or error therein arising from any accidental slip or omission may, at any time, be corrected by the Tribunal on its own motion or on application of any party by way of rectification. Such application may be made in Form No. NCLT 9 within two years from the date of the final order for rectification of the final order not being an interlocutory order.

6. In terms of above, we **reject** the application as the same has been preferred beyond time period as prescribed under Rule 154 of the Rules.

7. Certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

D. Arvind
Member (Technical)

Bidisha Banerjee
Member (Judicial)

This order is signed on the 05th day of June, 2024.
Tiwari, V. [LRA]