

NATIONAL COMPANY LAW TRIBUNAL

राष्ट्रीय कंपनी विधि अधिकरण

CUTTACK BENCH

कटक खंडपीठ

ORDER OF THE HEARING ON 24th APRIL, 2024, 10:30 A.M.

CP No. 23/CB/2023, IA (Companies Act) No. 18/CB/2024

**Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj
2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh**

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|---------------------|---|
| Name of the Company | ROC-Cum-OL, Odisha -Vs- Hahnemann Herbal Ltd. |
| Under Section | 271-272 |

Hearing through: VC and Physical (Hybrid) Mode

For Petitioner (s) Mr. Himanshu Sekhar, ROC.

For Respondent (s) :

ORDER

IA (Companies Act) No. 18/CB/2024:

This is an application filed by the Registrar of Companies, Cuttack, with a request to amend the order dated 20.12.2023, passed in this CP No. 14/CB/2023, Mr. Himanshu Sekhar, ROC, Cuttack appeared and submitted that in the order dated 20.12.2023 in para 10 at page 7, it is ordered that Official Liquidator is appointed as "Company Liquidator". The functions of Official Liquidator are different from the Company Liquidator. He submits that because of appointing the Official Liquidator as Company Liquidator, he finds it difficult to proceed with the matter because Official Liquidator attached to the High Court of Orissa under the Companies Act 1956, now attached with this Tribunal under the Companies Act, 2013, has no separate fund/account to proceed with the winding up order. The company liquidator alone can open a separate account. Being a Government servant, he cannot carried out the functions of the Company Liquidator and requested to amend the order appointing official liquidator as liquidator instead of company liquidator. The submission of the ROC heard and accepted his request. In consequence, by invoking Rule 154 of the NCLT Rules 2016, we are inclined to amend the order dated 20.12.2023 as follows.

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Order to delete the word “Company” appeared before the word Liquidator in the second line of sub paragraph (b) of Para 10 at page 7 of the order dated 20.12.2023. The Registry also directed to carry out the said amendment in the original order and withdraw the existing order in the e-portal and upload the amended order. Thus, this Application is Allowed.

Sd

Kaushalendra Kumar Singh
Member (Technical)

Sd

P. Mohan Raj
Member (Judicial)