

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

COURT – IV

24.

IA-1150/2024 in C.P.(IB)/1119(MB)/2023

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON 22.04.2024

NAME OF THE PARTIES:

G Selvam Shoring Contractor

Vs

Gannon Dunkerley And Company Limited

SECTION: 9, 60(5) OF INSOLVENCY AND BANKRUPTCY CODE, 2016.

ORDER

1. Counsel for the Applicant in IA present. Mr. Amir Arsiwala, Ld. Counsel for the Respondent present.
2. **IA-1150/2024:** The Operational Creditor in CP(IB)/1119/2023 filed this application for recalling the order dated 29.11.2023 on the ground that in though in Part-IV of the Petition, they mentioned the date of default as 17.09.2020 however, that was not the correct date of default. The Counsel appearing on 29.11.2023 by mistake did not mention this to the bench. Therefore, in order to rectify the mistake of the Counsel, requested that the order be recalled.
3. The bench observes that the said order dismissing the Petition on ground of 10A was pronounced in the open court in the presence of both Counsel. At this stage, a plea taken that the Cousnel made a mistake appears to be an after thought and cannot be entertained. The bench has passed the order basing on the information given by the Petitioner in part-IV of the Petition and after duly hearing the arguments of the petitioner on 29.11.2023 before pronouncing the order in open court. Hence, this bench is of the considered view that an order passed on merits in open court is not liable to be recalled.
4. Hence, this IA is **dismissed**.

Sd/-

ANU JAGMOHAN SINGH
Member (Technical)

22.04.2024/pvs

Sd/-

KISHORE VEMULAPALLI
Member (Judicial)