

**NATIONAL COMPANY LAW TRIBUNAL**  
**COURT-I, MUMBAI BENCH**

Item 4

**C.P. (IB)/556(MB)2023 IA 4063/2023**

CORAM:

**SH. PRABHAT KUMAR**  
**HON'BLE MEMBER (T)**

**JUSTICE SH. VIRENDRASINGH BISHT(Retd.)**  
**HON'BLE MEMBER(J)**

ORDER SHEET OF THE HEARING ON **08.09.2023**

NAME OF THE PARTIES: - **PIRAMAL CAPITAL & HOUSING FINANCE LIMITED**  
**VS TOWNSHIP DEVELOPERS INDIA LIMITED**

Section 7, 60(5) of the IBC, 2016

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**ORDER**

Mr. Vikram Nankani Ld. Sr. Counsel appearing for the applicant is present.

**IA 4063/2023**

This is an application filed by the applicant to carry out the amendments in the company petition, filed on 29.06.2023. The Financial Creditor submits that the amendments are necessary to ensure proper presentation of the fact at hand and to prevent any potential prejudice to the parties involved and in the interest of justice due to mere inadvertence by the financial Creditor.

The applicant seeks following reliefs :-

- (a) Allow this present application in the Company petition as prayed for hereinabove at paragraph 5 and
- (b) Pass such further orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

This Bench deems fit and proper to allow this application as per the Judgment of Hon'ble NCLAT in the case of ***Yatra Online Limited Versus Ezeego One Travel and Tours Limited Through Resolution Professional Company Appeal (AT) (Ins.) No. 387 of 2023***, wherein Hon'ble NCLAT, after noticing that Hon'ble Supreme Court in the case of ***Kotak Mahindra bank Limited Vs. Kew Precision Parts Pvt. Ltd. and Ors. (2022) 9 SCC 364*** held that pleadings can be amended at any time during the pendency of the proceedings, held that "the Hon'ble Supreme court has found that there are situation when either the

Operational Creditors or the Corporate Debtor may commit a mistake in the pleadings, therefore, it provided a window to the parties for amendment of their pleadings”. Accordingly, this Bench allows the applicant to carry out necessary amendments. Interlocutory application No. 4063/2023 is allowed and disposed of.

**Sd/-**

**PRABHAT KUMAR**  
**Member (Technical)**

**Sd/-**

**JUSTICE VIRENDRASINGH BISHT**  
**Member (Judicial)**

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