

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – II
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL
COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 13-01-2023
AT 10.30 A.M. THROUGH VIDEO CONFERENCING:

PRESENT : DR. DEEPTI MUKESH, HON'BLE MEMBER (JUDICIAL)
SHRI. SAMEER KAKAR, HON'BLE MEMBER (TECHNICAL)

IN THE MATTER OF : K.Sekar & Ors

PETITION NUMBER : CA/1248/2019

APPLICATION NUMBER: [205] a) IA(CA)/5(CHE)2022
b) IA(CA)/29(CHE)2022
c) Rev.A/3(CHE)2021

COMMON ORDER

Ld. Counsel Mr. Gokulraj appears for the Applicant. Ld. Counsel Mr. Avinash Krishnan Ravi appears on behalf of the ROC. Ld. Counsel Mr. C.V. Shailendran appears for R2 & R3.

This Rev.A/3(CHE)2021 has been filed seeking following reliefs:

1. *The Hon'ble Tribunal may recall the order dated 21.11.2019 in CA/1248/2019, as it was filed by a person, who was neither a Director or Shareholder of the Company.*
2. *The Hon'ble Tribunal may direct the 1st Respondent to restore the status of the Company, M/s. Thangam Fabricators Private Limited, as on 2011 i.e. prior to the filing of the application by the 2nd Respondent for restoration before this Hon'ble Tribunal under Section 252 of the Companies Act, 2013.*
3. *The Hon'ble Tribunal may direct the 1st Respondent to investigate into the affairs of the Company after the filing of the application by the 2nd Respondent for restoration before this Hon'ble Tribunal under Section 252 of the Companies Act, 2013 of the and direct the 1st Respondent to initiate appropriate proceedings against the 2nd and 3rd Respondent.*



Restoration of the company M/s. Thangam Fabricators Pvt. Ltd., was allowed vide order dated 21.11.2019 in CA/1248/2019. Since this order was not challenged before the Hon'ble NCLAT, it has assumed finality. It is also seen that Writ Petition was filed before the Hon'ble High Court of Madras vide W.P. No.14009 of 2020 and an order dated 22.04.2021 is passed.

The concluding remarks by the Hon'ble High Court of Madras are reproduced below:

"However, it will be upon to the Petitioners to make such prayer before the NCLT, including by requesting for an investigation to be conducted by the Registrar of Companies or any other statutory authority."

Acting on the said order, this Review Application was filed by the Applicant herein on 19.10.2021 seeking the reliefs as stated above.

Incidentally, this Tribunal has no power to recall its own order except correction under Section 154 of NCLT Rules, 2016. This application is clearly not maintainable and is hereby **disposed off** as the prayers sought cannot be granted for Review Application. Consequently, connected IA(CA)/5(CHE)2022, IA(CA)/29(CHE)/2022 are also **disposed off**.

-Sd-

SAMEER KAKAR
Member (Technical)

vs

-Sd-

DR. DEEPTI MUKESH
Member (Judicial)