

# Empowering NCLAT: The Review Revolution

**Kavimayil N V**

BBA.; LL.B.(Hons.), School of Law, SASTRA Deemed to Be University

## Abstract

NCLT is an established quasi-judicial body responsible for resolving civil corporate disputes brought about by the Companies Act. It was established under the Companies Act of 2013, and it has a number of powers and functions, including approving various schemes of arrangement and reconstruction, compounding offenses under the Companies Act, protecting shareholders, removing directors, and other powers and functions as provided for under the Companies Act of 2013 and other applicable laws. Its jurisdiction incorporates different company law issues as well as Insolvency and Bankruptcy Code (IBC) Cases. Class action lawsuits may be considered by it, and decisions made by it may be challenged before the National Company Law Appellate Tribunal (NCLAT) and, in certain situations, before the Supreme Court of India. Recalling a judgment often entails nullifying or reversing a court's ruling, frequently due to erroneous factual or procedural interpretations. It is a prerogative that the Tribunal naturally possesses, as stated under Rule 11. This chapter deals with the recent overriding judgment (Union Bank of India (Erstwhile Corporation Bank) vs. Dinkar T. Venkatasubramanian & Ors [(2023) ibclaw. in 381 NCLAT]) of the NCLAT's reviewing power by referring to the previous judgment of Union Bank of India V. Financial Creditors of M/s. Amtek Auto Ltd. & Ors encourage readers to read the current judgment's contrast section, which asks, what would happen if NCLAT had the authority to review its decision?

**Keywords:** Review, Inherent Power, Recall, and IBC.

## 1. Introduction

National Company Law Tribunal ('NCLT') is a statutory body created by the Central Government by virtue of powers conferred on it under Sec. 408 of the Companies Act, 2013 ('the Act') which also stipulates that the NCLT would exercise and discharge such powers and functions as are or may be conferred on it by the Act or by any other law for the time being in force. Sub-section (1) of Sec. 420 of the Act empowers the NCLT, after giving to the parties to any proceedings before it, a reasonable opportunity of being heard, to pass such orders thereof as it thinks fit. Sub-section (2) of that Section empowers it, within two years from the date of the order, to amend the order suo motu to rectify any mistake apparent from the record or if the mistake is brought to its notice by the parties to the proceedings before it. A proviso to sub-section (2) has made clear that such an amendment cannot be made to an order against which an appeal has been preferred. Sections 407 to 434 of the Companies Act deal with both NCLT and NCLAT. NCLAT was established under Section 410 of the Act. Parties aggrieved by the decision of NCLT shall approach NCLAT and still unsatisfied shall approach the Supreme Court whose decision is final.

## 2. NCLT – Roles and Authorities

NCLT plays an active role in the implication of laws namely, the Insolvency and Bankruptcy Code, of 2016, the Companies Act, of 2013, and the Sick Industrial Companies (Special Provisions) Act, of 1985.

Some of the general functions of the tribunal are

- Presiding over cases involving bankruptcy, insolvency, and corporate issues.
- Approving or disapproving plans for business reorganization, amalgamations, and mergers.
- Deciding on cases of corporate mismanagement and oppression.
- Supervising the winding up and liquidation of businesses.
- Managing issues pertaining to shareholder class action lawsuits.
- Resolving problems with director nomination and removal.
- Managing and overseeing business operations in compliance with the Companies Act and any applicable legislation.
- Provide a platform for the settlement of conflicts between businesses and their stakeholders.
- Considering issues pertaining to the bankruptcy and insolvency code, the Companies Act, and other relevant statutes.

NCLT has the authority to deal with the challenges against the liquidator's decisions<sup>1</sup> under Section 42 of the Insolvency and Bankruptcy (I&B) Code, 2016 (IBC)<sup>2</sup>. The tribunal has a territorial jurisdiction over the place where the registered office of companies or corporate persons including corporate debtors and personal guarantors is located in relation to insolvency resolution and liquidation<sup>3</sup>. If the facts and circumstances are either unexpected or provide justification for the exclusion, the tribunal may permit the exclusion of a specific time frame for the application filed by the Resolution Professional or the Committee of Creditors (CoC) or any aggrieved party. But it should not exceed 270 days as per the IBC, 2016<sup>4</sup>. The Honorable Supreme Court in the case Vallal RCK V. Siva Industries and Holdings Limited and Ors<sup>5</sup> noted that the IBC's rules allow the learned NCLT and later the learned NCLAT always to overturn a Committee of Creditors' judgment if it rejects a legitimate settlement and withdrawal claim arbitrarily.

### 3. Supportive Legal Provisions for NCLAT's Inherent Power

#### 3.1 RULE 11 OF NCLT RULES, 2016

“RULE 11. Inherent Powers. – Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal.”

Because of these innate capabilities, the NCLT is able to issue directives and take other necessary steps to ensure justice is served or to stop any improper or abusive use of the tribunal's procedures. Put more simply, this rule highlights that although the NCLT Rules contain established procedures and guidelines, they do not restrict the tribunal's authority to take required action or issue orders when it determines that doing so is necessary to protect justice, ensure fairness, or stop any improper use of the tribunal's proceedings. The NCLT's intrinsic powers allow it the adaptability to deal with unanticipated events or scenarios that might not be covered by particular guidelines. The purpose of this clause is to preserve the efficacy and integrity of the NCLT's operations.

---

<sup>1</sup> P.X. Xavier and Ors. vs. Ravindra Chaturvedi and Ors. (13.07.2020 - KERHC): MANU/KE/1833/2020

<sup>2</sup> <https://ibclaw.in/section-42-appeal-against-the-decision-of-liquidator/>

<sup>3</sup> Excel Metal Processors Limited Vs. Benteler Trading International GMBH and Anr (21.08.2019 - NCLAT): MANU/NL/0430/2019

<sup>4</sup> Quinn Logistics India Pvt. Ltd. vs. Mack Soft Tech Pvt. Ltd. and Ors. (08.05.2018 - NCLAT) : MANU/NL/0089/2018

<sup>5</sup> Vallal RCK Vs. M/s Siva Industries and Holdings Limited and Ors. [Civil Appeal Nos. 1811-1812 of 2022]

### 3.2 SECTION 420(2) OF THE COMPANIES ACT, 2013

“The Tribunal may, at any time within two years from the date of the order, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act.”

According to this clause, the NCLT has two years from the date of issuance to correct any apparent errors in its orders. However, if an appeal has already been filed against a specific ruling, the NCLT cannot make corrections. This is an attempt to uphold the integrity of the appeals process while guaranteeing the correctness and equity of NCLT orders.

### 3.3 RULE 154 OF THE NCLT RULES, 2016

This rule states that - any typographical or mathematical errors in any of the Tribunal's orders, or errors resulting from unintentional slips or omissions, may be rectified at any moment by the Tribunal either on its own initiative or upon request from any party.

### 3.4 SECTION 424 (1) & (2) OF THE COMPANIES ACT, 2013

- 1) The Code of Civil Procedure, 1908 does not require the Tribunal or the Appellate Tribunal to observe its rules. Rather, the natural justice principles serve as their compass. They are able to control their own processes as long as they adhere to the regulations and the provisions of the Bankruptcy and Insolvency Code.
- 2) According to the Code of Civil Procedure, 1908, the Tribunal and Appellate Tribunal have the same authority as a civil court when performing their duties. When handling issues like the following, they can use these powers:
  - Summoning and examining individuals under oath.
  - Demanding document production and disclosure.
  - Accepting evidence presented in affidavits.
  - Requesting public records or documents, subject to specific evidence act provisions.
  - Establishing commissions to scrutinize papers or witnesses.
  - Handling cases where a representation is dismissed due to default or decided in absentia.
  - Setting aside orders of dismissal or ex parte decisions.
  - Addressing any other matters as prescribed by relevant regulations.

## 4. Review versus recall

"Recall a judgment" means, in Black's Law Dictionary, to revoke or reverse a judgment for factual issues or when a judgment is annulled due to legal flaws. In contrast, the Dictionary defines "review" as a judicial examination, a second opinion or examination, a revision, or a consideration for the purpose of correction. Review is particularly useful when an appeal court is examining a case and when conducting a follow-up inquiry. When three requirements are met, namely,

- a. to carry out any orders issued under the CrPC,
- b. to prevent the abuse of the legal system, and

c. to guarantee the administration of justice, Section 482 grants the court sufficient authority to handle any case for the purpose of recalling or rehearing it<sup>6</sup>.

In *Vijaya Sri v. State of Andhra Pradesh*<sup>7</sup>, the Court came to the conclusion that recall requires the total revocation of a judgment or final order after analyzing the combined definitions of review and recall from several reliable dictionaries. Review, on the other hand, describes the continuance of the original ruling or order with particular changes as well as a re-analysis and rethinking of the decision in question. In *Asit Kumar Kar Vs. State of West Bengal & Ors*<sup>8</sup> the Hon'ble Supreme Court has observed that "a review petition, a recall petition, and a petition under Article 32 are not the same. In contrast to a recall petition, which asks the court to recall an order that was issued without providing affected parties with a chance to be heard, a review petition asks the court to assess an error that is evident on the face of the record on its merits". In *Indian Bank Vs. M/s Satyam*<sup>9</sup>, the court observed the inherent power to recall its own judgment or order vesting in tribunal and clarified the meaning of recall. The court in the case held that the courts' innate authority to recall and annul an order

1. acquired via deceit committed against the Court,
2. if a party deceives the Court, or
3. when an error made by the Court itself causes a party to be prejudiced.

They also added some other grounds for recalling such as

1. The processes that result in an order are hampered by an inherent lack of jurisdiction, which is evident.
2. there was collaboration or deception to get the ruling,
3. the court made a mistake that negatively affected a party, or
4. A decision was made without taking into account the fact that a required party had either passed away or not been served at all in Company Appeal (AT) (Insolvency) No. 729 of 2020, and the estate was not represented.

In *Jaspreet Singh Garewal V. State of U. P*<sup>10</sup> and Another, the Allahabad High Court observed the difference between recall and review under Section 362 of the Code of Criminal Procedure, 1973. It observed the difference by recalling an order passed in the case. Section 362 of the code states that, unless there exists any clerical or arithmetical error, the court has no power to alter or review the final order or judgment which has been signed for disposing of a case. The court observed that the section applies only for review and not for recall. Similarly, Section 482 by preserving the High Court's inherent authority, states that "Nothing in this code will be interpreted to restrict or interfere with the High Court's inherent authority to issue orders as needed to carry out any directives made under it, to stop judicial abuse, or to further advance the interests of justice in general".

#### 4.1 Two distinct senses of review

In *SERI Infrastructure Finance Ltd. vs. Tuff Drilling Pvt. Ltd.*,<sup>11</sup> the Hon'ble Supreme Court made the following observation in Paragraph 13, citing the judgment of the Hon'ble Supreme Court in *Grindlays*

<sup>6</sup> *Habu v. State (FB)*, AIR 1987 Raj. 83, para 39.

<sup>7</sup> *Vijaya Sri v. State of Andhra Pradesh*, 2006 SCC OnLine AP 957

<sup>8</sup> I.A. No. 3961 of 2022 in Company Appeal (AT) (Insolvency) No. 729 of 2020

<sup>9</sup> *Indian Bank Vs. M/s Satyam* I.A. No. 3961 of 2022 in Company Appeal (AT) (Insolvency) No. 729 of 2020 *Fibres India Pvt. Ltd.* I Vide para 23

<sup>10</sup> Application u/s 482 No. - 38644 of 2016, Recall Application No. 4345 of 2017, judgment delivered on 19.09.2019, Bench: Rajeev Misra, High Court of Judicature at Allahabad

<sup>11</sup> (2018) 11 SCC 470, *SERI Infrastructure Finance Ltd. vs. Tuff Drilling Pvt. Ltd*

Bank Ltd. vs. Central Government Industrial Tribunal and others<sup>12</sup>. There are two different meanings for the term "review":

- A procedural review
- A review on merits

A procedural review, which is either inherent or implied in a court or Tribunal to set aside a clearly incorrect order passed under its misperceptions, and a review on merits, when the error sought to be corrected, is one of law and is evident on the face of the record or order with particular changes as well as a re-analysis and rethinking of the decision in question.

### 5. NCLAT jurisdiction – neither recalling nor reviewing

In Union Bank of India Vs. Financial Creditors of M/s. Amtek Auto Ltd. & Ors<sup>13</sup>, NCLAT's three-judge bench held that the Adjudicating Authority (AA) i.e., NCLT, and Appellate Authority i.e., NCLAT has no power or express provision to review and recall the judgment, or order passed by them. In this case, on behalf of the respondent, the counsel submitted an application for leave of appeal which was subsequently allowed. Challenging the appeal, the counsel appearing on behalf of the appellant sought permission to withdraw the appeal and he presented the application for a review petition as NCLAT has the liberty to entertain the review petition. The Court allowed the review application. Conversely, the Respondent's counsel argued that even if the Honourable Supreme Court had issued the aforementioned ruling, the Insolvency and Bankruptcy Code, 2016 (or "Code") did not contain a clause allowing for the filing of such an application. It is argued that the remedy of review cannot be used until and until it is specified in the statute. Additionally, it is argued that the Appellant actually withdrew the appeal from the Hon'ble Supreme Court, at which point permission to file a review application was requested and granted. The Appellant requested permission to file a review application, and the Hon'ble Supreme Court granted it. However, this does not imply that the review application can be maintained before this Tribunal in the absence of a review provision in the Code, which is comprehensive in and of itself.

Also, in Agarwal Coal Corporation Pvt Ltd V. Sun Paper Mill Ltd. & Another<sup>14</sup>, The appellant requested that the NCLAT's decision from October 16, 2019, be recalled. The Honourable NCLAT ruled that "recalling" a judgment is illegal, and the Appellant may challenge the NCLAT's decision before the Honourable Supreme Court of India. Additionally, the Honourable NCLAT relied on the Supreme Court's Patel decision ratio. The case of Narshi Thakershji vs. Pradyumansinghji Arjunsinghji established that the NCLAT Rules, 2016 do not specifically include a "Review" clause, and the appellant is not permitted to rely on Rule 11, which deals with inherent powers. Since Rule 11 of the NCLAT Rules, 2016 is not a substantive rule that grants the Tribunal any authority or jurisdiction, the Tribunal is not authorized to carry out any legal prohibitions. As a result, the appeal was rejected because it lacked merit.

The learned adjudicating authority in M/s Haxad Infotech Private Limited Vs. M/s Skootr Global Private Limited<sup>15</sup> based its opinion that Rule 11 of NCLT Rules cannot be used to request recall or review of the orders on a ruling made by the Allahabad High Court in the case of Khan Enterprises v. National Company

<sup>12</sup> Grindlays Bank Ltd. vs. Central Government Industrial Tribunal and others, 1981 AIR 606, 1981 SCR (2) 341

<sup>13</sup> Munshi Sah v. The State of Bihar & Anr., Criminal Appeal Nos. 3198-3199 OF 2023 LiveLaw (SC) 944

<sup>14</sup> IA No.265/2019 in Company Appeal (AT)(Insolvency) No.412/2019

<sup>15</sup> Company Appeal (AT) (Insolvency) No. 1064 of 2021(Arising out of Order dated 30.11.2021 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench, Court-III in C.A. No.405/2019 in IB-195(ND)/2019)



Law Tribunal & Ors<sup>16</sup>. By taking notice of the Allahabad High Court's observation, the Adjudicating Authority has simply acknowledged a portion of the observation, leaving out the remaining portion of the order in the same paragraph. In the case of Khan Enterprises v. National Company Law Tribunal and Ors, the Allahabad High Court rendered the following ruling:

It is acknowledged that the IBC does not have a mechanism for reviewing the decision admitting a petition submitted in accordance with Section 9 of the IBC. The legal consensus also holds that the authority to review cannot be used unless a particular provision is made for it. Regarding the authority to recall an order, it is merely a procedural review that can be used only in cases where there was a procedural error in approving the order or if the order was obtained by some other form of fraud." So, they were clear in stating that NCLT has neither the power to recall nor the power to review.

## 6. Recall authority vs. Review limitations

Though in Union Bank of India Vs. Financial Creditors of M/s. Amtek Auto Ltd. & Ors<sup>17</sup> it was held that the tribunal has neither the power to review nor the power to recall, in Union Bank of India (Erstwhile Corporation Bank) vs. Dinkar T. Venkatasubramanian & Ors<sup>18</sup>, NCLAT reconsidered the same issue and the three-judge bench concluded it as despite lacking the power to review their decision made, it could be made possible to recall the judgment or order passed if there exist sufficient grounds. The NCLAT ruled that although it is unable to review its own decisions, it is able to recall them in cases where incorrect interpretations or improper procedures were followed. Recall of decisions is primarily intended to protect individual rights, as it is acknowledged that although court rulings are usually accurate, errors can occasionally occur. Given these arguments, the NCLAT's methodology ensures the fair and just administration of justice within the National Company Law Tribunal framework by striking a balance between the necessity of correcting procedural errors or fraudulent practices and the requirement for finality in judgments. Recalling a judgement will not be used if there was a proper remedy available in another proceeding, like an appeal or revision, but it was not used, or if there was a basis to reopen the proceedings or vacate the judgement and could have been pleaded in the original action. By waiver, estoppel, or acquiescence, one may forfeit the right to request a vacation of a judgement. The Tribunal's authority of recall does not extend to the rehearing of the case to identify any obvious errors in the judgment; that is the purview of a review of a judgment. This Tribunal may exercise its power of recall of a judgment in cases where any procedural error occurred in the delivery of the previous judgment, such as where a party was not present before the Tribunal when a judgment was rendered against them. A judgment may be recalled for other reasons. A well-known basis for a court to always recall a judgment is fraud committed against the court during the court's proceedings to attain the judgment.

## 7. Potential Benefits of Granting Review Authority

The primary advantage is that the tribunals will serve as an efficient single point of contact for resolving any disputes pertaining to company law. It will prevent needless repetition of cases before different authorities or courts. It is the NCLT's and NCLAT's responsibility to conclude cases before them as soon

---

<sup>16</sup> Krystal Stone Exports Ltd. Vs. Stressed Assets Stabilization Fund & Ors. – NCLAT New Delhi, (2023) ibclaw.in 643 NCLAT

<sup>17</sup> Union Bank of India Vs. Financial Creditors of M/s. Amtek Auto Ltd. & Ors SC 4620/2023, 31 July, 2023

<sup>18</sup> Union Bank of India (Erstwhile Corporation Bank) vs. Dinkar T. Venkatasubramanian & Ors SC I.A 3961/2022, AT 729/2020, 27 January, 2022

as feasible. A three-month time restriction has been set for them to resolve issues, with a ninety-day extension available for those with good cause that the president or chairperson, as applicable, records. The parties will save time, money, and energy by having matters resolved quickly. Too many cases are pending before the High Court and Supreme Court, and the NCLT is now handling matters pertaining to winding up, amalgamations, compromise, and arrangement. Consequently, the workload of the Supreme Court and the overworked High Courts will be lessened by NCLT and NCLAT. Therefore, we do hope that stakeholders will profit from the NCLT and NCLAT's constitution in addition to corporations. The above-stated points highly support that NCLAT is highly capable of getting a reviewing power to review its own judgments or orders.

Even though the retrospective effect of such review power grant to the tribunal positively influences its functions, the prospective effect of the grant would also influence absolutely. In order to guarantee that justice is carried out and that parties are not unjustly impacted by incorrect rulings, NCLAT has the authority to rectify any flaws in its own decisions. Review authority can lessen the likelihood of contradictory judgments on related matters by preserving consistency in court decisions. The legal system may be less burdened if parties choose to use NCLAT to settle disputes rather than pursue expensive and time-consuming appeals in higher courts. If NCLAT has the ability to evaluate and fix its own mistakes, cases can be handled more quickly and without the need for appeals to be filed in other courts. In order to maintain the relevance and consistency of its rulings with the ever-evolving legal landscape, NCLAT has the ability to adjust to shifting legal norms and precedents. By settling disagreements at the appellate level rather than requiring the costly process of pursuing additional appeals, parties can save money on legal fees and time. The NCLAT may be able to clear its docket more quickly and lower the backlog of cases if it has the option to review and correct its rulings. Enhancing the user experience and accessibility of the legal system can be achieved by streamlining the procedures for rectifying mistakes and handling legal matters. Increased confidence in the legal system can result from parties' increased perception of the impartiality and precision of NCLAT rulings. Summarising the advantages, giving NCLAT the power to review the judgment or order reflects Quick disposal of the case, lessens the burden of courts makes it easy for companies to approach the tribunal, and also increases the quality of decisions of the tribunal.

## 8. Consequences of NCLAT's Review Authority - Should it be Granted

On a close reading of this rule, one would find that the NCLT has powers to recall its orders as may be necessary for meeting the ends of justice and not the powers to review such orders made. If the intention of the Legislators is to confer on the NCLT the power to review its own order, it would have provided so on the lines of Sec. 114 of the Code of Civil Procedure, 1908. The tribunal has the same authority as the court which follows the CPC as mentioned under Section 424(2) of the Companies Act, 2013. One cannot say that Section 114 of CPC does not include a tribunal so that the tribunal can exercise the power to entertain the review application of the aggrieved party. This is because, in Para 31 of *Harinagar Sugar Mills Ltd. vs. Shyam Sunder Jhunjhunwala & Ors*<sup>19</sup>, the Hon'ble Supreme Court has held that 'Courts' means Courts of Civil Judicature and the tribunal. So, the court mentioned in Section 114 of CPC includes a tribunal even. According to Rule 154 of the NCLT Rules, 2016, the Tribunal is able to correct an order if there is a typographical or mathematical error in the order if the error results from an unintentional slip or omission of the Tribunal's own volition, or if a party applies for rectification. Also, in the case of APC

---

<sup>19</sup> AIR 1961 SC 1669, *Harinagar Sugar Mills Ltd. vs. Shyam Sunder Jhunjhunwala & Ors.*”

Credit Rating Private Limited vs. Registrar of Companies, NCT of Delhi and Haryana<sup>20</sup>, the NCLAT ruled "It is clear that there is no inherent power to review, as is permitted by ruling 47 Rule 11 of the Code of Civil Procedure, 1980; nevertheless, the Tribunal is empowered by Section 420 of the Act, 2013 subsection (2) to correct any error that is evident from the record and to modify the ruling as a result." It is evident that NCLT cannot be claimed to have inherent powers under Rule 11 of the NCLT Rules, which grants NCLT the authority to review. Though the judgment disagrees with the vesting of review power of the tribunal, the application of the Supreme Court decision [Harinagar Sugar Mills Ltd. vs. Shyam Sunder Jhunjhunwala & Ors (Para 31)] clearly states that tribunals were included in the term 'court', completely overrules the decision.

## 9. Conclusion

In conclusion, the inclusion of review power in the NCLT can improve the efficiency and impartiality of the tribunal's rulings. Nonetheless, it needs to be handled cautiously to prevent unfavorable outcomes like delays and inconsistent results. For the review process to be successful, it must be established with precise criteria, safeguards against misuse, and effective procedures. Though giving power to NCLT is not explicitly mentioned in the provisions of the applicable laws, it could be impliedly identified by the term 'court' which is clearly decided in the case Harinagar Sugar Mills Ltd. vs. Shyam Sunder Jhunjhunwala & Ors<sup>21</sup>. However, such an interpretation cannot be practiced as the law does not permit it explicitly. The NCLT's review authority is a two-edged sword. Although it offers a means of redress and equity, its proper application necessitates striking a balance that preserves the effectiveness and integrity of the legal system. To make sure that reviews advance justice without unnecessarily impeding the settlement process, it is necessary to carefully weigh the possible downsides and develop rules. In view of the foregoing, it would be apparent that NCLT cannot review its own orders passed but can rectify suo motu or on the application of the parties to the proceedings before it, any mistakes apparent from records.

## 10. References

1. <http://student.manupatra.com/Academic/ReadyReckoner/Insolvency-&-Bankruptcy/Powers-and-Jurisdiction-of-NCLT.html>
2. <http://student.manupatra.com/Academic/ReadyReckoner/Insolvency-&-Bankruptcy/Powers-and-Jurisdiction-of-NCLT.htm>
3. <https://cbcl.nliu.ac.in/insolvency-law/nclats-inherent-powers-understanding-recall-and-review-of-judgments/>
4. <https://ibbi.gov.in/uploads/order/0de9250f0e64d4dc54186dd1f556d9ba.pdf>
5. <https://ibbi.gov.in/uploads/order/9cc52bc5cc0cef2ad56df1693375b84b.pdf>
6. <https://ibclaw.in/section-42-appeal-against-the-decision-of-liquidator/>
7. <https://indiankanoon.org/doc/117322170/>
8. <https://insolvencyandbankruptcy.in/landmark-judgments-by-the-honble-nclat-16th-to-31st-oct-2021/>
9. <https://lawstreet.co/judiciary/there-is-difference-between-recall-and-review/>

<sup>20</sup> APC Credit Rating Private Limited vs. Registrar of Companies, NCT of Delhi and Haryana [2018] 143CLA 166 (NCLAT).

<sup>21</sup> 1961 AIR 1669, 1962 SCR (2) 339



10. <https://legallightconsulting.com/national-company-law-tribunal-nclt-law-and-type-of-work-in-india/#:~:text=National%20Company%20Law%20Tribunal%20Law,law%2C%20insolvency%2C%20and%20bankruptcy>
11. <https://lextechsuite.com/Habu-Versus-State-of-Rajasthan-1986-12-05>
12. <https://taxguru.in/corporate-law/nclt-review-judgment-recall-sufficient-grounds-nclat.html>
13. <https://taxguru.in/corporate-law/nclt-review-judgment-recall-sufficient-grounds-nclat.html>
14. <https://www.casemine.com/judgement/in/5b059fee9eff435048df69c3>
15. [https://www.icsi.edu/media/filer\\_public/74/a7/74a7c743-d02d-4769-90d0-8effbd283a32/presentation\\_on\\_enforcement\\_of\\_penalties\\_e-adjudication\\_and\\_compounding\\_-\\_05\\_feb\\_2022\\_by\\_cs\\_amita\\_desai.pdf](https://www.icsi.edu/media/filer_public/74/a7/74a7c743-d02d-4769-90d0-8effbd283a32/presentation_on_enforcement_of_penalties_e-adjudication_and_compounding_-_05_feb_2022_by_cs_amita_desai.pdf)
16. <https://www.icsi.edu/media/portals/22/Team%206.pdf>  
[https://nclt.gov.in/gen\\_pdf.php?filepath=/Efile\\_Document/ncltdoc/casedoc/3607130006832020/04/Order-Challenge/04\\_order-Challenge\\_004\\_16907779773608877064c73979ce8f7.pdf](https://nclt.gov.in/gen_pdf.php?filepath=/Efile_Document/ncltdoc/casedoc/3607130006832020/04/Order-Challenge/04_order-Challenge_004_16907779773608877064c73979ce8f7.pdf)
17. <https://www.lawstreetindia.com/experts/column?sid=164>
18. <https://www.livelaw.in/supreme-court/supreme-court-ruling-co-accused-release-not-contingent-on-main-accused-surrender-241387?infinitescroll=1>
19. <https://www.moneycontrol.com/news/trends/legal/nclat-nclt-can-recall-their-own-judgments-supreme-court-affirms-11065681.html>
20. <https://www.sbsandco.com/blog/does-nclt-has-right-to-recall-orders-a-study-on-inherent-powers-of-nclt-under-ibc-laws>
21. <https://www.the-laws.com/Encyclopedia/browse/Case?CaseId=002202156000>