

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,**  
**NEW DELHI**  
**I.A. No. 3013 of 2020**

**In**  
**Company Appeal (AT) No. 126 of 2019**

**IN THE MATTER OF:**

**Union of India**

**... Applicant**

**AND**

**IN THE MATTER OF:**

**K.V. Brahmaji Rao**

**... Appellant**

**Vs**

**Union of India, Ministry of Corporate Affairs**

**... Respondent**

**Present:**

**For Appellant: Mr. Rahul Jain, Ms. Rhea Verma, Advocates**

**For Respondent: Mr. Sanjib Kumar Mohanty, Sr. Central Government  
Panel Counsel along with Mr. Amit Acharya, Advocate  
and Mr. Chiradeep Balooni, Regional Director (WR).**

**O R D E R**  
**(19<sup>th</sup> February, 2021)**

**Jarat Kumar Jain. J:**

This order shall govern the disposal of I.A. No. 3013 of 2020 filed in disposed of Company Appeal (AT) No. 126 of 2019.

2. Company Appeal (AT) No. 126 of 2019 was filed by the Appellant '**K.V. Brahmaji Rao**' before this Appellate Tribunal against the order dated 31.01.2019 passed by the National Company Law Tribunal, Mumbai Bench, Mumbai in MA No. 406 of 2019 and MA No. 407 of 2019 in CP No. 277 of 2018.

3. After hearing the parties, this Appellate Tribunal decided the Appeal vide Judgement dated 17.08.2020. Learned Senior Panel Central

Government Counsel has filed this Application under Section 420(2) of the Companies Act, 2013 read with Rule 11 of the NCLAT Rules, 2016 for rectification of typing error in Paragraph 9 of the Judgment dated 17.08.2020 passed by this Appellate Tribunal.

4. Learned Counsel for the Applicant (Respondent in Appeal) submits that in Para 9 of the Judgment it is typed that “Learned Sr. Panel Central Government Counsel has not opposed the prayer.” However, he has opposed the prayer as mentioned in Para 10 of the Reply Affidavit filed in the Appeal. It seems that inadvertently the word ‘Not’ has been typed. Therefore, this may be rectified. It will not affect the result of the Appeal. No Appeal has been preferred against the aforesaid Judgment.

5. Learned Counsel for the Respondent (Appellant in Appeal) opposed the prayer. Though, it is stated that no Appeal has been preferred against the Judgment.

6. We have considered the submissions and gone through the Reply Affidavit filed by the Applicant in Appeal.

7. Para 10 of the Reply Affidavit of IC Balooni, S/O JR Balooni reads as under: -

“With reference to averments made in Para 8 and 9 of the Appeal in respect to questions of Law and Grounds of Appeal, I am to submit that the grounds of the Appeal are opposed by the Respondent and it is prayed that the Hon’ble NCLT order dated 31.01.2019 passed in M.A. No. 406 and 407 of 2019 in Company Petition No. 277 of 2018 may be upheld by Hon’ble NCLAT.”

8. With the above averments, it is clear that the Respondent No. 1 has opposed the prayer claimed in Appeal. It seems that in Para 9 inadvertently

it was typed that Sr. Panel Central Government Counsel has not opposed the prayer. No Appeal has been preferred against the Judgment dated 17.08.2020 passed by this Appellate Tribunal. Therefore, we can rectify the typing error which is apparent from the record.

9. In view of aforesaid fact, now Para 9 shall read as under:

“Learned Sr. Panel Central Government Counsel has opposed the prayer.”

10. Rectified Judgment be kept with the file.

11. The Registry is directed to send the copy of this order to the concerned parties.

Thus, the Application is allowed. No cost.

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

**(Kanthi Narahari)**  
**Member(Technical)**

**New Delhi**  
SC