

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 2884 of 2024

In

Company Appeal (AT) (Insolvency) No. 58 of 2024

IN THE MATTER OF:

Bansal Ship Breakers

...Appellant

Versus

Great United Energy Pvt. Ltd.

...Respondent

Present:

**For Appellant : Mr. Akshay Jain (CA), Ms. Ujjawala Chaturvedi
and Mr. Alok Kumar, Advocates.**

For Respondent : Mr. Aniruth Purusothaman, Advocate.

O R D E R
(Hybrid Mode)

05.08.2024: **I.A. No. 2884 of 2024**

1. This is an Application praying for recall of the Judgment of this Tribunal dated 19.01.2024 passed in *Comp. App. (AT) (Ins.) No. 58 of 2024*. This Application has been filed on behalf of the Appellant for recall of the Judgment.

2. Mr. Akshay Jain CA appears for the Applicant and submits that in Paragraph 6 of the Order it has been noted that statement was made by the Liquidator that Appellant has written to the Liquidator that he is ready to comply the Order and Liquidator has already sent the cheque for amount to be refunded to the Appellant which has been encashed. It is submitted that no such writing was made by the Appellant to the Liquidator that he is ready to comply. He submits that in view of the aforesaid, the Order may be recalled.

3. The Order dated 19.01.2024 was passed after hearing CA Akshay Jain who was appearing for the Applicant and Learned Counsel for the Liquidator.

When the Order was passed, after hearing of the Appellant, we see no reason to recall the Order, what Applicant is praying is to review the Judgment. There is no jurisdiction vested in this Tribunal to review its Judgment and the Order was passed after hearing the Applicant.

4. We see no reason to recall the Order. The grounds of recall are well established in the Judgment of 5 Member Bench in the matter of '**Union Bank of India (Erstwhile Corporation Bank)**' Vs. '**Mr. Dinkar T. Venkatsubramanian & Ors.**' in **I.A. No. 3961/2022 in Comp. App. (AT) (Ins.) No. 729/2020**. No such ground has been made out on which recall Application is made out.

5. Learned Counsel for the Applicant submits that in fact the Liquidator has played a fraud on the Court. It was not a case of any kind of fraud and the Applicant's submissions that it is a fraud wholly erroneous and unfounded. Applicant who appeared when the matter was heard cannot be heard in making allegations of fraud and furthermore the Order passed by this Tribunal contained in Paragraph 5 and the submission of the Applicant that he has never stated that he will comply the Order has no consequence, every Party is bound to comply the Orders and the Applicant's submission that he has not written that he will comply the order itself suggest that Applicant is not an honest litigant.

With these observations, we dismiss the Application.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)