

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT-II

IA No. 421 of 2023
In
CP (IB) 1594 of 2017

Under section 60(5) of the Insolvency and
Bankruptcy Code, 2016 r/w Rule 11 of the
National Company Law Tribunal Rules, 2016

IN THE MATTER OF

**Impresario Entertainment and Hospitality Pvt.
Ltd.**

American Express Bakrey House 66A Claire
Road, Byculla, Mumbai - 400008.

... Applicant

V/s.

Partha Sarathy Sarkar

(Interim Resolution Professional)

1st Floor, Jalaram Krupa Building, 61,
Janmabhoomi Marg, Fort, Mumbai - 400001.

... Respondent

IN THE MATTER OF

Holesome Foods Private Limited

124, Shaan Apartment, Kashinath Dhuru Road,
Dadar, Mumbai – 400028.

... Corporate Debtor

Order delivered on :- 05.04.2024

Coram:

Hon'ble Shri Kuldip Kumar Kareer, Member (Judicial)

Hon'ble Shri Anil Raj Chellan, Member (Technical)

ORDER

1. It has come to our notice that there are some inadvertent and typographical mistakes in the order dated 22.03.2024 passed in IA No. 421 of 2023 (CP IB No. 1594 of 2017). The said errors/mistakes in the order are as under:-

- i. In para No. 2, it has been inadvertently mentioned that the Applicant had filed an application under Section 7 of the Insolvency and Bankruptcy Code, 2016. In fact, no application under Section 7 was filed and only an application under Section 10 was filed by the Corporate Debtor itself.
- ii. It has also been inadvertently mentioned in para no. 2 of the order that the Applicant was appointed as Interim Resolution Professional whereas the Respondent was appointed as Interim Resolution Professional.

- iii. In para no. 8 of the order also, it has been inadvertently stated that the Applicant being a Financial Creditor of the Corporate Debtor initiated the CIRP under Section 7 of the Code whereas it should have been that the Applicant is a Financial Creditor of the Corporate Debtor which is undergoing CIRP under Section 10 of the Code.
- iv. In para no. 10 of the order, it has been inadvertently mentioned that the Applicant is the sole shareholder of the Corporate Debtor who initiated the action under section 7 of the Code. Here the words “who initiated the action under Section 7 of the Code” are required to be deleted. Similarly, in this very para of the order, the words “When a person is allowed or is eligible to initiate proceedings under the Code” have also been inadvertently mentioned which also need to be deleted.

2. The aforesaid errors/mistakes in the order dated 22.03.2024 are typographical and inadvertent in nature which occurred due to oversight and rush of work. However, the mistakes in the order can be rectified by invoking the provisions of Rule 154 read with Rule 11 of the NCLT Rules, 2016 which permits this Bench to rectify any clerical or arithmetical mistakes including any error arising from any accidental slip or omission either on an application filed in this regard or on its own motion. Therefore, we hereby rectify and correct the order dated 22.03.2024 in the following manner:-

- i. In para no. 2, the words “ who filed the Application under Section 7 of the Insolvency and Bankruptcy Code (the Code)” would stand deleted and replaced by the following words “The

application under Section 10 of the Insolvency and Bankruptcy Code, 2016 ('the Code') was filed".

- ii. In para no. 2 itself, in the fifth line, the words " The Applicant herein was appointed as Interim Resolution Professional and was subsequently confirmed as RP" would be replaced by the words "The Respondent herein was appointed as Interim Resolution Professional".
 - iii. In para no. 8, in the first line, the words " The Applicant being a financial creditor of the Corporate Debtor initiated the CIRP under Section 7 of the Code" would be replaced by the words " The Applicant is a Financial Creditor of the Corporate Debtor which is undergoing CIRP under Section 10 of the Code".
 - iv. In para no. 10, in the tenth, eleventh and twelfth lines, the following words "who has initiated the action under Section 7 of the Code. When a person is allowed or is eligible to initiate a proceedings under the Code" shall be deleted.
3. The aforesaid errors/mistakes shall be rectified in the order dated 22.03.2024 by the Court Officer and the corrected order will be uploaded forthwith. Parties be informed about the aforesaid rectification by the Registry of this court.

Sd/-
ANIL RAJ CHELLAN
Member (Technical)

Sd/-
KULDIP KUMAR KAREER
Member (Judicial)