



IN THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH (COURT-II)
KOLKATA

IA(IBC) No.741/KB/2025

In

C.P (IBC) No.2078/KB/2019

An application under section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016.

And

In the matter of:

Trimurti Associate Pvt.Ltd.

... Financial Creditor

Versus

BKM Industries Ltd.

...Corporate Debtor

Order passed on: 22/08/2025

Coram:

Mr. Labh Singh Member (Judicial)

Ms. Rekha Kantilal Shah, Member (Technical)

Counsels appeared through Video Conference

ORDER

Per: Bench

IA(IBC) No.741/KB/2025-

1. The present application has been filed for correction of
Typographical error in prayer 'F' and 'G' of IA (IBC) No. 2414



/KB/ 2024 as detailed in paragraphs 12 and 13 of the application. Thereafter a consequential prayer has been sought to modify the paragraph 10(1) and 10(3) of order dated 27th March 2025 for substituting the words or figure as contained in paragraph 21 of the application.

2. It has further been prayed that other just and equitable order or direction may be issued as the nature and circumstances of the case may be require the issue.
3. It is pertinent to note here that order dated 27th March 2025 has been passed by Ms. Bidisha Banerjee, Hon'ble Member (Judicial) and Ms. Madhu Sinha, Hon'ble Member (Technical). Ms. Bidisha Banarjee, Hon'ble Member (Judicial), is available in Bench-1 of this Tribunal.
4. On this aspect, it is pertinent to refer Rule 154 of the NCLT Rules 2016 which provides remedy for Rectification of Order which reads as under-

(1) Any clerical or arithmetical mistakes in any order of the Tribunal or error therein arising from any accidental slip or omission may, at any time, be corrected by the Tribunal on its own motion or on application of any party by way of rectification.

(2) An application under sub-Rule (1) may be made in Form No. NCLT 9 within two years from the date of the final order for rectification of the final order not being an interlocutory order



5. It is pertinent to refer Rule 11 of NCLT Rules, 2016 which provides for inherent powers of the Tribunal to make such order as may be necessary to meet the end of justice which read as under:

“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”.

6. It is not a case where either of the Learned Member has demitted office or are working in any other Bench of the Tribunal. It is settled proposition of law that where any one of the Judges, who passed or made the order a review of which is applied for, continues or continued attached to the Court at the time when the application for a review is presented, and is not precluded by absence or other cause, then the matter should be heard by the same judge. The same analogy applies here since it is not a simple correction of clerical error rather it will impact the whole order as Learned Counsel for the Financial Creditor has opposed the order of sine die on the date of hearing.

7. In the instant case, though Learned Member(Technical) is not available with this Bench but at the same time, Ms. Bidisha Banerjee, Hon’ble Member (Judicial), is available in Bench-1 of this Tribunal for hearing on this application.



8. A similar issue came up for hearing before this Bench in Interim Application filed in C.P No.254/2023 and matter was referred to Hon'ble Principal Bench, New Delhi vide order dated 4th July 2025 for seeking clarification whether such matters requires to be heard by the present Bench or by other Bench of this Tribunal in which one of the Member who passed the order is available. Upon reference made by the Tribunal, Hon'ble President vide Administrative Order dated 21/07/2025 transferred the said IA before Bench No. 1 for hearing.
9. Therefore, in view of the above, we should not enter upon hearing of this matter which is not only for correction in clerical or arithmetical errors in the order rather corrections of errors in the pleadings.
10. The Financial Creditor may avail appropriate remedy as per law for correction in the pleading and consequential amendment in order.
11. Accordingly, this application stands disposed of as above with liberty to applicant seek appropriate remedy as per law.

(Rekha Kantilal Shah)
Member (Technical)

(Labh Singh)
Member (Judicial)