

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No.5173 of 2023

In

Company Appeal (AT) (Insolvency) No. 48 of 2023

IN THE MATTER OF:

Harish Jindal

...Appellant

Versus

OGO USA INC. & Anr.

...Respondents

Present:

For Appellant : Mr. Rakesh Kumar, Ms. Preeti Kashyap, Mr. Ankit Sharma, CA Ashwani Mittal and Mr. Varun Pandit, Advocates

**For Respondent : Ms. Henna George and Ms. Ashmeet Arora, Advocates for R-1
Mr. Adil Khan, Advocates for R-2/RP**

O R D E R

08.11.2023 I.A. No. 5173 of 2023 has been filed under Rule 11 of the NCLAT Rules, 2016 seeking modification/amendment of order dated 31.10.2023 passed in Company Appeal (AT) (Insolvency) No. 48 of 2023.

2. Heard Learned Counsel for the Applicant. He submits that the Applicant along with the Respondent No. 1 had filed a joint application bearing I.A. No. 5040 of 2023 in Company Appeal (AT) (Insolvency) No. 48 of 2023 placing on record the settlement arrived between the parties dated 05.10.2023 and the Applicant in the said application also prayed for termination of CIRP initiated against the Applicant vide order dated 05.01.2023 passed by the NCLT, Chandigarh Bench. He further submits that this Tribunal after hearing both the parties had passed an order inter alia allowing the appeal and setting aside the CIRP initiated vide order dated 05.01.2023 of NCLT, Chandigarh Bench. It is submitted that however due to

inadvertent typo mistake, the said direction of allowing the present appeal and setting aside the order dated 05.01.2023 passed by the NCLT, Chandigarh Bench, has not been reflected in the order dated 31.10.2023 passed by this Tribunal.

3. Learned Counsel for the Respondent Nos. 1 and 2 are present and they have no objection if I.A. No. 5173 of 2023 is allowed.

4. In view of the above facts, the order dated 31.10.2023 is modified to the extent that the Appeal i.e. Company Appeal (AT) (Insolvency) No. 48 of 2023 filed by the Appellant stands allowed in terms of the settlement dated 05.10.2023 and order dated 05.01.2023 is set aside initiating the CIRP by the NCLT, Chandigarh Bench.

The aforesaid application i.e. I.A. No. 5173 of 2023 stands allowed, accordingly. Let this order be treated as part of the order dated 31.10.2023. The Office to upload this order in NCLAT website and also communicate to the concern NCLT.

[Justice Anant Bijay Singh]
Member (Judicial)

[Mr. Arun Baroka]
Member (Technical)

pks/md