

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 973 of 2025**

**IN THE MATTER OF:**

**Sandeep Goel,  
(Erstwhile RP in CIRP of  
Sarvottam Realcon Pvt. Ltd.)**

**...Appellant**

**Versus**

**Anugraham Builders,  
Successful Resolution Applicant**

**...Respondent**

**Present:**

**For Appellant : Mr. Ankur Mittal and Ms. Sabhya Jain, Advocates.**

**For Respondent : Mr. Kunal Godhwani, Advocate for SRA.**

**O R D E R**  
**(Hybrid Mode)**

**22.07.2025:** The erstwhile RP of the corporate debtor has moved this appeal to which the SRA is arrayed as a sole respondent.

**2.** On 30.07.2024, the adjudicating authority has approved the resolution plan submitted by the respondent-SRA. In October 2024, the RP/appellant herein, took out an application in I.A. No.5446/2024 before the adjudicating authority for rectifying certain figures in the resolution plan. The details of the rectification which the RP requires is as below:

<b>S. No.</b>	<b><i>Recorded in the order dated 30.07.2024</i></b>	<b><i>To be rectified</i></b>	<b><i>Reference</i></b>
1.	<i>Para 7.5 – “Total Outstanding CIRP Cost till 30.11.2022 is Rs.89,33,351.</i>	<i>Total CIRP Cost till 30.11.2022 is Rs. 1,28,06,744</i>	<i>In the minutes of 20th COC meeting dated 24.12.2022 annexed as</i>

			<i>ANNEXURE – A5.</i>
<i>2.</i>	<i>Para 7.5 – “CIRP Cost from 01.12.2023 is estimated to Rs.60,00,000”</i>	<i>CIRP Cost for period of 1.12.2022 to 30.06.2023 is estimated to Rs.60,00,000</i>	<i>In the minutes of 20th COC meeting dated 24.12.2022 annexed as ANNEXURE – A5.</i>
<i>3.</i>	<i>Para 5.5 – The Corporate Debtor has also paid Rs. 1,05,00,000/- as security deposit to ALT Society and ALT Society is required to refund the same upon hand over of 182 flats.</i>	<i>Para 4 of clause 3.3 of resolution plan states that an amount of Rs.1,05,00,000/- is deposited by the CD as security deposit to ALT Society. The same is as per information provided in MOU and any change in the same is to be verified and confirmed by RP. The same not have any bearing on the implementation of the Resolution Plan.</i>	<i>In the addendum to the Resolution Plan dated 12.12.2022 annexed as ANNEXURE – A6.</i>

**3.** Learned counsel for the appellant submitted that all these figures have been rectified by the CoC in earlier meetings and only thereafter the adjudicating authority was moved for approving the resolution plan. However, the aforesaid rectification as was approved by the CoC was omitted to be carried out in the resolution plan when the same was placed before the adjudicating authority. It is in these circumstances the adjudicating authority has approved the resolution plan vide its order dated 30.07.2024 but without the aforesaid rectification.

4. It is hence the appellant had taken out I.A. No. 5446/2024 in October 2024 and this is dismissed on the ground that as per the provisions of the IBC, any application for rectification could be made only within 30 days for the passing of the order.

5. Learned counsel for the appellant submitted that IBC *per se* does not stipulate any time within which the adjudicating authority may be approached for rectification of any orders. On the other hand, this is provided in Rule 154 of the NCLT Rules, 2016 and it reads as below:

**"154. Rectification of Order. -**

*(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."*

He submitted that while Rule 154(2) provides two orders time for rectifying any final order, whereas, the appellant has moved the Tribunal within about 3 months from the date of the final order.

6. Respondent/SRA offers no contest.

7. After hearing the submissions of the appellant and after perusing the appeal papers, we are satisfied there is merit in submission of the counsel appellant. Indeed, in the Order of the adjudicating authority which is now under challenge, no specific provisions of IBC is mentioned, whereas, the appellant submits that this is regulated by Rule 154 of NCLT Rules, 2016 and, inasmuch as the appellant has filed his rectification petition within about

three months from the date of the Order of the adjudicating authority approving the resolution plan on 30.07.2024, this Tribunal considers that the adjudicating authority ought to have considered the appellant's IA No. 5446/2024 favourably.

**8.** In conclusion, this Tribunal allows this appeal, sets aside the order of the adjudicating authority dated 09.05.2025 in I.A. No. 5446/2024 in C.P. (IB) No. 901(ND)/2020 and require the adjudicating authority to hear the parties on merits and disposed of the same as expeditiously as possible preferably within four weeks.

Appeal disposed of accordingly.

**[Justice N. Sessa Sayee]**  
**Member (Judicial)**

**[Barun Mitra]**  
**Member (Technical)**

*himanshu/nn*