NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 5813 of 2026 in
Company Appeal (AT) (Ins) No. 124 of 2026

IN THE MATTER OF:

Rathi Powertech Global Pvt. Ltd. ...Applicant

Versus

Hannu Steels Pvt. Ltd. ...Respondent

Present:
For Applicant : Mr. Karan Gandhi, Advocate.
For Respondents :

O R D E R
(Hybrid Mode)

INDEVAR PANDEY, MEMBER (T)

This application IA No. 5813 of 2026 has been filed by the Respondent/ Rathi Powertech Global Pvt. Ltd. in CA (AT) (Ins) No. 124 of 2026. The aforesaid company appeal was disposed of vide judgment dated 06.07.2026. The instant application has been filed under Rule 11 of National Company Law Appellate Tribunal Rules, 2016, seeking recall of order dated 06.07.2026 along with affidavit in support. In the said application the Applicant has made the following prayers :_

"RELIEF SOUGHT

In the interest of justice and in view of the facts mentioned in para-B below the Applicant prays for:

i. *Allow the present Application and recall and/or suitably modify the Judgment and Order dated 06.07.2026 passed by this Hon'ble Appellate Tribunal in Company Appeal (AT) (Ins.) No. 124*

of 2026, to the limited extent of the observations recorded in paragraphs 54 and 55 of the Judgment.

ii. *Recall the matter for hearing on the limited issue raised in the present Application and permit the Applicant/Respondent to address this Hon'ble Appellate Tribunal on the observations and opinions recorded in paragraphs 54 and 55, which were rendered on issues beyond the scope of the appeal and without affording the Applicant an opportunity to address the same.*

iii. *Consequently, delete, expunge and/or modify the observations contained in paragraphs 54 and 55 of the Judgment dated 06.07.2026, leaving all issues on merits to be decided independently by the Hon'ble Adjudicating Authority, uninfluenced by any observations contained therein.*

iv. *Pass such other orders as this Hon'ble Appellate Authority may deem fit in the facts and circumstances for the interest of justice.***"**

2. The judgment in CA (AT)(Ins) No. 124 of 2026 was passed on 06.07.2026. The Applicant has filed the present recall application, aggrieved by the observations made in the Paragraphs 54 and 55 of the said judgment. The Paras 54 & 55 of the judgment are extracted below:-

"54. The defence sought to be raised by the Appellant cannot, at least prima facie, be characterised as sham or frivolous. The Appellant asserts that the License User Agreement stood validly terminated in accordance with its contractual terms and that no royalty remained payable thereafter, apart from raising disputes regarding the invoices forming the basis of the Operational Creditor's claim.

55. We clarify that we express no opinion whatsoever on the merits of these contentions. Their correctness shall be examined independently by the Adjudicating Authority. However, the very existence of such a defence reinforces the necessity of affording

the Corporate Debtor an opportunity to place its reply on record before the matter is finally adjudicated."

3. In particular, the applicant has highlighted the observations made in para 54 "*Appellant cannot at least prima facie, be characterised as sham and frivolous*" and further observation that the appellant's defence deserves consideration by Adjudicating Authority. It is his submission that the appellant in the instant company appeal had only sought restoration of its right to file a reply before the Ld. Adjudicating Authority. Therefore, the observations about correctness, sustainability or prima facie merits of the defence raised by the appellant should not have been taken into consideration by this Appellate Tribunal. In particular, in paragraph 'x' of his application he has made the following submissions:

"x. The observations contained in paragraphs 54 and 55 effectively confer a prima facie judicial imprimatur upon the Appellant's defence before the same has even been pleaded before the Adjudicating Authority. Such observations are capable of causing serious prejudice to the Respondent and may inadvertently influence the independent adjudication of the pending Section 9 proceedings before the Adjudicating Authority, notwithstanding the clarification that the merits remain open"

4. Ld. Counsel submits that the observations contained in para 54 and 55 would adversely affect him in the pending proceedings before the Ld. Adjudicating Authority. He has therefore prayed for recall, delete, modification or expunging the observations contained in paras 54 and 55 of the judgment dated 06.07.2026 while leaving the remainder of the judgment undisturbed.

5. We have gone through the documents on record in IA No. 5813 of 2026, we are of the view that the observations in para 54 are basically prima facie observations of this Tribunal. In the very next paragraph 55, we have expressly recorded that we have expressed no opinion on the merits of these contentions and their correctness shall be examined independently by the Ld. Adjudicating Authority.

6. It is clear from the language of paragraph 55 that, after the prima facie observations in paragraph 54, we had specifically recorded that Ld. Adjudicating Authority shall independently examine the merits of the contentions of both the parties.

7. We now take note of the operative portion of the judgment which is recorded in paragraph 60 and 61 of the judgment. The same are extracted below:-

> ***"****60. We are, accordingly, of the view that the order dated 08.12.2025 closing the right of the Appellant to file Reply cannot be sustained and deserves to be set aside.*
>
> *61. The Adjudicating Authority shall thereafter consider the matter on merits and in accordance with law without being influenced by any observations contained in this Judgment. We clarify that all rights and contentions of the parties on merits remain open for adjudication before the Adjudicating Authority.*
>
> ***(Emphasis supplied)"***

8. It is to be noted from the above that the right of Appellant to file the reply in the CP (IB) No. 567/ND/2025 was restored by this Tribunal. Further, in para 61, it is specifically recorded that the Ld. Adjudicating Authority after

receiving the reply of the Appellant shall examine the matter on its merits and in accordance with law without being influenced by any observation contained in this judgment.

9. It is absolutely clear from the above that, Ld. Adjudicating Authority has to dispose of the matter in accordance with the merits of the case without being influenced by any observations recorded in the judgment. This clearly means that Ld. Adjudicating Authority has to adjudicate the matter afresh, and it is not supposed to be consider any of the observations from the judgment dated 06.07.2026. In view of the above, we do not find any merit in the application and the same is dismissed.

[Justice N Seshasayee]
Member (Judicial)

[Indevar Pandey]
Member (Technical)

Place: New Delhi
Dated: 09.09.2026

Harleen