

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3335 OF 2026

Shaikh Abdul Jabbar And Anr ...Petitioners

Versus

The Secretary Ministry Of Corporate Affairs ...Respondent

Miss. N. S. Nappinai, Senior Advocate, a/w Jamshed Mistry,
i/b Tanvir Shaikh, for the Petitioners.

Miss. Manisha Jagtap, for Respondent No.1

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CORAM: N. J. JAMADAR, J.

DATED: 24th MARCH, 2026

PC:-

1. Heard the learned Counsel for the petitioners.
2. The learned Counsel for the petitioners submits that in the order dated 19th January, 2026, the National Company Law Tribunal, Mumbai Bench ("NCLT") has incorrectly recorded that the petitioner No.1, who appeared for petitioner No.2 attempted to miss-communicate the facts of the case and, thus, imposed costs of Rs.20,000/- on the petitioners.
3. The relevant part of order, passed by the NCLT, Mumbai Bench, dated 19th January, 2026, reads as under:

"IA 147/2024

Learned counsel has attempted to miscommunicate the facts of the case. In view of this, we are of the opinion that a cost of

Rs.20,000/- be imposed on the petitioner for the incorrect instructions given by their counsel. The amount shall be deposited with the "Pay AND ACCOUNT OFFICER MINISTRY OF CORPORATE AFFAIRS, MUMBAI". List this matter on 30.03.2026."

4. If it is the case of the petitioners that the NCLT has incorrectly recorded that the Counsel has attempted to miscommunicate the facts, the appropriate course for the petitioners is to first approach the Bench, which has recorded the said observation. A reference can be made to the decision of the Supreme Court in the case of *State of Maharashtra Vs. Ramdas Shrinivas Nayak & Anr.*¹, wherein the Supreme Court delineated the correct practice, in case a party thinks that, the observations in regard to the happenings in the Court and the conduct recorded by the Judge are incorrect. The Supreme Court delineated the practice as under:-

"4. We are bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of the Judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the Judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well-settled that statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the Judges, to call the attention of the very Judges, who have made the record to the fact that the statement made with regard to his

1 AIR 1982 SC 1249

conduct was a statement that had been made in error (Per Lord Buckmaster in *Madhusudan v. Chandrabati*, AIR 1917 PC 30). That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there.
.....”

5. When this Court expressed aforesaid opinion, the learned Counsel for the petitioners seeks leave to withdraw the petition with liberty to move the NCLT, Mumbai Bench, to seek the recall of the said observation.
6. Leave granted with liberty as prayed for.
7. The petition stands disposed as withdrawn.
8. In the event such an application is filed, the NCLT, Mumbai Bench, is requested to consider the same on its own merits and in accordance with law.

[N. J. JAMADAR, J.]