NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

IA No. 1725/2026
In
Company Appeal (AT) (CH) No. 20/2025
(IA No. 259/2025)

In the matter of:

Dr. M.A.M. Ramaswamy Chettiar
of Chettinad Charitable Trust **…Appellant**

Vs

M/s. Chettinad Coal Washeries Pvt. Ltd. & Anr. **...Respondents**

Present :

For Appellant : Mr. S. Ravi, Senior Advocate
For Ms. S. Indumathi Ravi, Advocate
For Respondents : Mr. PH Arvindh Pandian, Senior Advocate
For Mr. Jawahar Lal, Advocate for R1
Mr. V. Ragavachari, Senior Advocate
For Mr. T Balaji, Mr. R I Ramesh,
Mr. Rahul Kanna & Ms. Deepika, Advocates
for Applicant in IA/R2

ORDER
(Hybrid Mode)

17.11.2026:

This application, IA No. 1725/2026, is taken out by the 2nd respondent in this appeal for recall of the order passed by this Tribunal dated 02.04.2026.

2. The appeal was allowed by this Tribunal vide its order dated 02.04.2026 without ordering notice to the respondents. Indeed, the applicant/2nd respondent has not been heard before the appeal was disposed of.

3. A short backdrop of this case may now be provided. Late Dr. M.A.M. Ramaswamy has made some deposit in the 1st respondent company (the character of this amount itself is stated to be in dispute as to whether it is advanced as a loan or as a deposit) and during his lifetime he had instituted a proceeding before the CLB for recovery of this sum. On the constitution of NCLT, the case came to be transferred to it and was taken on record as TCP No. 01/2016. Shortly before that, on 02.12.2015, Dr. M.A.M. Ramaswamy passed away.

4. Thereafter, the appellant/1st respondent, namely a certain charitable trust, said to have been founded by late Dr. M.A.M. Ramaswamy. On his demise, the trustees of the Trust wanted to substitute Dr. M.A.M. Ramaswamy with the Trust and preferred an application for the said purpose. Indeed, the Trust has placed reliance on a certain Will alleged to have been executed by late Dr. M.A.M. Ramaswamy. The applicant herein introduces himself as the adopted son of late Dr. M.A.M. Ramaswamy, and he has also taken notice similar application, and the Tribunal allowed the Trust. Eventually, the NCLT allowed the Trust to replace late Dr. M.A.M. Ramaswamy, and this came to be challenged before this Tribunal in Company Appeal (AT) (CH) No. 45/2022. This Tribunal, vide its order dated 06.09.2022, directed that the Will be probated and required the NCLT to stay away from the case till a finding on the genuineness of the alleged Will of late Dr. M.A.M. Ramaswamy has attained finality.

5. Accordingly, the Trust has instituted a proceeding before the Hon'ble High Court and the probate proceeding is contested, owing to which it was converted into TOS No. 27/2021, and is pending adjudication. In between, the Trust has taken out a couple of applications for including certain assets, and this came to be allowed by the learned Single Judge, but when it was challenged in O.S.A. Nos. 152 & 154 of 2023, the learned Division Bench of the Hon'ble High Court, though confirmed the order of the learned Single Judge, has directed that the matter may be considered when the testamentary proceeding is considered on its merits.

6. Be that as it may, the Trust has taken out IA No. 93/2024, requiring the company to transfer whatever sum that is held by it to be deposited to the credit of the TOS No. 27/2021. The NCLT, however, required the Trust to obtain certain clarifications from this bench in view of its earlier order in CA No. 45/2022.

7. Accordingly, the appellant approached this Tribunal in CA No. 20/2025, and this Tribunal, vide its order dated 02.04.2026, has allowed the appeal and remanded the matter back to the NCLT for passing appropriate orders in IA No. 93/2024 on its own merits.

8. We are informed that pursuant to this order, the NCLT is holding its hearing in IA No. 93/2024. Be that as it may, the 2nd respondent in the appeal has now approached us with the present application, IA No. 1725/2026, for

recalling this order, contending that this Tribunal, while disposing of CA No. 20/2025, has unwittingly reviewed its earlier order in CA No. 45/2022. He submits that he has not been heard in the matter and he requires that the order passed dated 02.04.2026 is recalled.

9. At this juncture, Mr. Arvindh Pandian, the learned senior counsel for the 1st respondent in the appeal, submits that his submission has concluded and when it came to the turn of the learned senior counsel for the present applicant, he informed that he will be moving this Tribunal for recall of its order on the ground stated.

10. We notice that the order dated 02.04.2026 was passed by a different Bench as it was presided by a different Member (Judicial). In fitness of things, we consider it is only appropriate that this application, IA No. 1725/2026 is placed before the Hon'ble Officiating Chairperson to decide on the Bench that may hear IA No. 1725/2026.

11. In the meantime, we only require the NCLT to refrain from passing any final orders in IA No. 93/2024.

[Justice N Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

DD/NA/MS