

# CA Final – Paper 4 (Law) – MCQ

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(Covering ICAI SM, MTPs & RTPs till Nov. 2022 applicable for May/Nov. 2023 Exams)

## Chapter - 11: NCLT and NCLAT

169	<p>With the consent of the parties involved, the Delhi Bench of National Company Law Tribunal (NCLT) passed an order on September 21, 2021 in respect of an application filed before it. Mr. Rohit, who received the order of NCLT on September 24, 2021, felt aggrieved by the said order and therefore, filed an appeal before the National Company Law Appellate Tribunal (NCLAT) on January 5, 2022 showing sufficient cause of delay for not filing the appeal within 45 days from the date of the order of NCLT or even within the extended period of 45 days. Choose the correct option from those given below as to whether the appeal is admissible before the National Company Law Appellate Tribunal (NCLAT) after showing the cause of delay in filing the appeal:</p> <p>(a) Even after showing sufficient cause of delay in filing the appeal, Mr. Rohit's appeal can be admitted only upto the extended period of next 45 days after the expiry of first 45 days from the receipt of the order and the said extended period of time has already expired.</p> <p>(b) Since NCLT passed the order with the consent of the parties involved, Mr. Rohit's appeal can be admitted by NCLAT within the initial 45 days because extended period of 45 days cannot be granted to him.</p> <p>(c) Since Mr. Rohit has shown sufficient cause of delay for not filing the appeal within the extended period of 45 days after the expiry of first 45 days from the receipt of the order, his appeal can be admitted by NCLAT.</p> <p>(d) Mr. Rohit's appeal cannot be admitted by NCLAT since the order was passed by the NCLT with the consent of the parties who filed the application before it.</p>
170	<p>Any person who is aggrieved by the order of Appellate Tribunal may approach to the Supreme Court on any question of law within:-</p> <p>(a) 30 Days</p> <p>(b) 45 Days</p> <p>(c) 60 Days</p> <p>(d) 90 Days</p> <p>[MTP-March 19]</p>
171	<p>Requisite number of shareholders of Vimaan Aerospace Limited, which has been incorporated under the Companies Act, 2013, filed an application with the National Company Law Tribunal (NCLT) under Section 241 highlighting the mismanagement in the conduct of the affairs of the company. Taking cognizance of the application, the National Company Law Tribunal (NCLT) passed an order under Section 420 on November 23, 2022, providing the sought after relief to the shareholders of Vimaan</p>

**Aerospace Limited. On finding some mistake in the order, the shareholder s brought the same to the notice of NCLT for rectification. You are required to select the correct statement from those given below as to the circumstances under which NCLT would be able to amend its order and the maximum period which the said order can be amended:**

- (a) National Company Law Tribunal (NCLT) can amend its order to rectify any mistake apparent from the record when such mistake is brought to its notice by the parties and further, the order can be amended by NCLT at any time within a period of six months from the date of such order provided no appeal has been made against the said order.
- (b) National Company Law Tribunal (NCLT) can amend its order to rectify any mistake apparent from the record when such mistake is brought to its notice by the parties and further, the order can be amended by NCLT at any time within a period of one year from the date of such order provided no appeal has been made against the said order.
- (c) National Company Law Tribunal (NCLT) can amend its order to rectify any mistake apparent from the record when such mistake is brought to its notice by the parties and further, the order can be amended by NCLT at any time within a period of two years from the date of such order provided no appeal has been made against the said order.
- (d) National Company Law Tribunal (NCLT) can amend its order to rectify any mistake apparent from the record when such mistake is brought to its notice by the parties and further, the order can be amended by NCLT at any time within a period of three years from the date of such order provided no appeal has been made against the said order. **[MTP-Sep. 22]**

#### Answers Key

Q. No	Answer	
169	(d)	Mr. Rohit's appeal cannot be admitted by NCLAT since the order was passed by the NCLT with the consent of the parties who filed the application before it.
170	(c)	60 Days
171	(c)	National Company Law Tribunal (NCLT) can amend its order to rectify any mistake apparent from the record when such mistake is brought to its notice by the parties and further, the order can be amended by NCLT at any time within a period of two years from the date of such order provided no appeal has been made against the said order.