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### *Tribunal's power to recall vis-à-vis power to review: NCLAT, Principal Bench, Delhi*

The 5 (five) Judge Bench of the Hon'ble NCLAT in the matter of *Union Bank of India vs Dinkar T. Venkatasubramanian* held that the Hon'ble Tribunal was not vested with any *power to review* its judgment, however, the Hon'ble Tribunal in exercise of its inherent jurisdiction could entertain an *application for recall of judgment* on sufficient grounds.

The Hon'ble Tribunal relied upon several judgments of the Hon'ble Supreme Court and observed that the power of a tribunal to recall its judgment and to review its judgment was different.

The Hon'ble Tribunal further observed that the power of recall of a judgment could be exercised when any *procedural error* was committed in delivering the earlier judgment viz. necessary party was not served or necessary party was not before the tribunal etc.

In this case, the 5 (five) Judge Bench of Hon'ble NCLAT held that the earlier judgments of Hon'ble NCLAT in the matters of *Agarwal Coal Corporation Private Limited vs Sun Paper Mill Limited and Anr.* and *Rajendra Mulchand Varma and Ors. vs K.L.J. Resources Ltd. and Anr.* wherein it was *inter alia* observed that the Hon'ble Tribunal does not have the power to recall its judgment did not lay down the correct position in law.

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