

3. Consequentially, there had been fresh initiation of proceedings by filing of another Section 7 application by the Respondent, based on almost the same set of facts and circumstances pertaining to the amount due to be remitted, which has otherwise been disputed by the Appellant contending thereof that, the claim as raised by the Applicant to Section 7 application, may not be justifiable, qua the head under which and the purpose for which the amount was said to have been extended as financial assistance. Besides, he further submits that, when the proceedings were held before the Ld. Tribunal, on 22.08.2025, the Ld. Tribunal had passed an order directing the Applicant to file balance sheet as submitted to RoC and the Income-Tax Returns as submitted to the Income-Tax Department during the relevant period, reflecting the transactions to establish the extension of financial assistance, the arising of debt and occurrence of a default.

4. It has been stated by the Ld. Counsel for the Appellant that, in response to the said order passed by the Ld. Tribunal on 22.08.2025, as a matter of fact, the Applicant has not supplied any document except for the balance sheet, certified by the Chartered Accountant, which has been furnished only on 10.10.2025, and which has been taken as to be the solitary basis, for the purposes of drawing the proceedings.

5. The Ld. Counsel for the Appellant has contended that, apart from the said extract of balance sheets, no other documents were supplied by the Applicant, as it was called for by the order dated 22.08.2025 and therefore, in the absence of the relevant documents having been placed on record, the amount claimed to be due

and in default, has not been established by the Applicant. He has further contended that, despite of there being a specific stand taken by the Applicant in the objection filed before the Ld. Tribunal, the Ld. Tribunal has not considered the said objection and has proceeded to place reliance upon the documents prepared by the Chartered Accountant, taking it as to be the basis for admission of Section 7 proceedings, which will not stand in the eyes of law.

6. Matter requires scrutiny.

7. As soon as we concluded the above part of the order, the Ld. Counsel for Respondent No.1, who was participating in the proceedings with his camera off and without marking his appearance, all of a sudden appeared after switching on his camera and announced that he is representing the Respondent. The above modus operandi adopted by Ld. Counsel in participating in the proceedings of this Appellate Tribunal appears dubious and not fair to this Appellate Tribunal. On account of the facts mentioned above, we stay the effect and operation of the impugned order, till the next date of listing.

List this company appeal on **25.06.2026**.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)