NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No.431/2026
(IA No. 1225/2026)

In the matter of:

Coffee Day Global Limited,
a company incorporated under the Companies Act, 1956,
having its registered office at
No. 165 RV Road,
Near Minerva circle,
Bangalore 560 004 Karnataka **… Appellant**

Vs

Rechtsanwalt Dr. Christian Bachmann,
Insolvency Administrator of
Coffee Day Gastronomie Und Kaffeehandels GmbH,
having office at Opernring 8, 1010 Vienna, Austria. **... Respondent**

Present :

For Appellant : Mr. E. Om Prakash, Senior Advocate
For Ms. P. Chithra Nirmala, Advocate

For Respondent : Mr. Satymev Sabarn, Advocate

ORDER

(Hybrid Mode)

29.10.2026:

1) This appeal is directed against the order of the NCLT allowing an application seeking for certain amendment to the petition filed under Section 9, IBC. The amendment relates to changing the date of default in paying the dues to the operational creditor in part IV of Form 5 application. Aggrieved by the same, the corporate debtor is before us with this appeal.

2) Heard Mr. E. Om Prakash, Senior Advocate for the appellant and also Mr. Satymev Sabarn for the respondent.

3) The learned senior counsel for the appellant submitted that the amendment sought is contrary to the proof already available on record, especially the date of default as given in demand notice under Section 8, IBC as well as the information provided to the Information Utility. The learned counsel added that changing a critical date at this point of time or the proceedings seriously prejudices the right and interest of the corporate debtor.

4) The law is too firmly settled to the effect that a mere amendment of pleading is not tantamount to proof of what is so amended. If the date of default is altered through amendment, it does not mean that it stands proved by the operational creditor, and that has to be independently established. As regards to the discrepancy in the proof already made available by the operational creditor, we underscore that these documents cannot be withdrawn or allowed to be withdrawn by the appellant. And, if there are multiple dates creating discrepancies, then it is a matter for appreciation of evidence on the place of IBC.

5) While we emphasise the fact that the operational creditor is still under a burden to establish the correctness of the date as has been given, we merely require the appellant herein to file an additional reply to the amendment so made within a period of two weeks from today, explaining its case in defence. We require the

Adjudicating Authority to bestow its best care and attention to the facts placed before us, while disposing of the petition filed under Section 9 IBC. The appeal is accordingly disposed of. No cost.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

YS/PC/MS