

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins) No. 2043 of 2025

IN THE MATTER OF:

Anoop Kumar Wadhera

...Appellants

Versus

**Indian Bank
(Erstwhile Allahabad Bank)**

...Respondents

Present:

For Appellant : Mr. Manish Vashisht Sr. Advocate with Mr. Abhinav Sharma and Mr. Swapan Singhal, Advocates.

For Respondents : Mr. Anant Gautam, Mr. Rishi Chauhan, Mr. Azal Aekram and Mr. Aman Gahlot, Advocates for Indian Bank.

O R D E R
(Hybrid Mode)

05.01.2026: Heard counsel for the appellant as well as Ld. Counsel appearing for the bank.

This appeal has been filed against the order dated 15.10.2025 passed by Adjudicating Authority in IA No. 3676(MB)/2025 filed by the bank seeking amendment in the company petition. The date of default in the company petition was 10.03.2019 which was sought to amended as 04.07.2018, which have been allowed.

Ld. Counsel for the appellant submits that Adjudicating Authority erred in observing that in the reply filed by the personal guarantor, the notice dated 04.07.2018 was admitted and was not denied. It is submitted that personal guarantor i.e. appellant never admitted the issuance of notice dated 04.07.2018 nor it was filed along with the reply by the appellant and those

observations were incorrect. It is submitted that petition filed by the bank was barred by time and in the reply to the amendment application appellant has also not accepted the notice dated 04.07.2018.

Adjudicating Authority after hearing the parties observed that it is open for the parties to bring additional material on record and on that ground the application was allowed. In so far as the order allowing the application permitting the bank to amend the petition; we do not find any error. However, in view of the submission of the appellant which is supported from the material that appellant never admitted the issuance of notice dated 04.07.2018, the Adjudicating Authority shall not treat issuance of notice on 04.07.2018 admitted by the appellant and on the question of limitation it shall be open for the parties to address their submission.

With the above directions, appeal is *disposed of*.

We make it clear that it shall be open to both the parties to raise all permissible submissions in accordance with law.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

harleen/MD