NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 528 of 2026

IN THE MATTER OF:

AAACORP Exim India Pvt. Ltd. **...Appellant(s)**

Versus

Saraswat Co-Operative Bank Ltd. & Anr **...Respondent(s)**

Present:

For Appellant : Mr. Pulkit Sharma, Advocate

For Respondents : Ms. Sonakshi Dhiman, Advocate for R2

O R D E R
(Hybrid Mode)

27.03.2026 Heard Ld. Counsel for Appellant and Ld. Counsel appearing for Respondent.

2. This Appeal has been filed against the order dated 05/02/2026, by which I.A. No. 3713/2024, filed by the Respondent Bank has been allowed, permitting the Appellant to amend the date of default and date declaration of the NPA.

3. Ld. Counsel for Appellant submitted that the Application was filed by the Bank and several opportunities were taken by the Bank to bring relevant Reserve Bank of India inspection reports on records which records were never brought on the record and it was submitted that without permission of the RBI those inspection reports cannot be brought on record.

4. It is submitted that, when there was no document brought on record, amendment ought not to have been allowed.

5. Ld. Counsel for Respondent, refuting the submission, submitted that Appellant has been permitted to amend the date of default and opportunity

has been given to the Respondent to object to the said date of default and declaration of NPA and time has been given to file a Reply, hence no prejudice is caused to the Appellant.

6. We have considered submissions of the Counsels for Parties and perused the records.

7. Adjudicating Authority itself has referred to the judgement of the **Hon'ble Supreme Court** in **Dena Bank vs. C. Shivakumar Reddy [(2021) 10 SCC 330]**, which permits that Application by the Financial Creditor, under Section 7 can be amended and additional documents can be filed.

8. The dates, which are sought to be amended, is not shown to be barred by any law or by limitation.

9. In Paragraph 15 & 16, Adjudicating Authority made following observations :

> "15. While adjudicating the present application, it is not within the remit of this Tribunal, to determine whether the default in fact occurred on 05.11.2018 or not. Such issue shall be examined at the time of consideration of the main petition. The limited question that arises for determination presently is whether the date of default, the date of declaration of the account as NP A, and the amount of default as on the date of NPA, as stated in the main petition, are amenable to amendment.
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> 16. As regards the contention of the Respondent that the date of declaration (of the Respondent's account as NPA) is stated as 30.09.2019 in the notice dated 31.10.2019 issued by the Applicant under Section 13(2) of the SARFAESI Act, it is observed that the date of NP A mentioned in a notice, is not germane for the purpose of deciding the present amendment application. The Respondent shall, in any event, be

afforded an opportunity to raise all such objections by filing its reply to the amended petition."

10. We further notice Paragraph 20, where Respondent were given two weeks time after service of the amended petition to file Reply.

11. Ld. Counsel for Appellant submits that amended petition has not been served.

12. In view of the above, we are of the view that rights of the Appellant are fully protected to object on the merits the date of the default and date of declaration of NPA by filing a Reply.

13. We thus do not find any error in the order of the Adjudicating Authority allowing the financial creditor to amend the said dates, with subject to liberty as granted as above.

14. **Appeal is dismissed**.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Prerana/md