

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 704 of 2023**  
**&**  
**I.A. No. 2341 of 2023**

**IN THE MATTER OF:**

**SGZ & SGA Sugars (JV) Ltd.**

**...Appellant**

**Versus**

**Sangli District Central Co-operative Bank Ltd.**

**...Respondent**

**Present:**

**For Appellant : Mr. Abhijit Sinha, Mr. ANV Patel, Mr. Siddhant Buxy,  
Mr. Harshad Vyas and Mr. Aditya Shukla, Advocates**

**For Respondent : None**

**O R D E R**

**26.05.2023** Heard Learned Counsel for the Appellant.

This Appeal has been filed against the impugned order dated 17.04.2023 by which the Adjudicating Authority has allowed the Financial Creditor to amend the date of default as mentioned in Form -1. Counsel for the Appellant submits that earlier date was mentioned as 17.01.2021 which has now been amended as 19.04.2021. It is submitted that as per date of default, the application was barred by Section 10A.

We have heard the Counsel for the Appellant and perused the record.

The Appellant has been granted time to file a reply. Appellant in Reply is entitled to raise plea regarding date of default on basis of which application is filed and the amendment shall not preclude the appellant in raising the plea in the reply.

We thus are of the view that no useful purpose shall be served in entertaining the appeal. With the aforesaid observations and clarifications, we dispose of the appeal. Learned Counsel for the Appellant may file his Reply within 4 weeks before the Adjudicating Authority.

**[Justice Ashok Bhushan]  
Chairperson**

**[Mr. Barun Mitra]  
Member (Technical)**

*pks/nn*