

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT - 1**

ITEM No.110  
**C.P.(IB)/273(AHM)2023**

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

State Bank of India

.....Applicant

V/s

Sadbhav Engineering Limited

.....Respondent

**Order delivered on: 04/12/2023**

**Coram:**

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon'ble Member(T)

**PRESENT:**

For the Applicant : Mr. Bijju Nair, Adv.

For the Respondent :

**ORDER**

Learned Counsel for the applicant requested some more time to comply with the directions issued on 21.11.2023. On 21.11.2023, the following order was passed as under:-

*This is an application filed by the applicant under Section 7 of IBC, 2016 mentioning the date of default which starts from 20.12.2021, and classifying the account of NPA on 22.12.2022. However, Learned Counsel for the applicant has drawn our attention to a sanction letter dated 02.09.2022, whereby the Working Capital Limit was renewed by way of reduction WC Limit from 175.65 to 92.00 Crore. In the NeSL certificate, the date of default is also recorded as 20.12.2021. Since the limit which was out of order was renewed by way of reduction on 02.09.2022. The applicant is directed to explain how the account can be treated as out of order or default after renewal by way of reduction. Learned Counsel for the applicant is directed to explain the exact date of default after the last renewal of the Working Capital Limit.*

*Learned Counsel for the applicant requests and granted two weeks' time to make necessary amendments in Form-1 to make the correction of the exact date of default.*

*Re-list on 04.12.2023.*

Admittedly, the order has not been complied with, and Learned Counsel for the applicant is seeking some more time to comply with the said order. We have already given sufficient notice and asked the applicant to rectify the application in terms of Section 7(5) proviso thereto. The default amount involved is Rs.121.21 crore, and the application is not complete. No notice was issued to the corporate debtor as the application was found defective.

As the defects have not been removed even after notice, as the orders have not been complied with by the applicant. Hence, the matter is dismissed, with the liberty to re-agitate / re-file the matter as and when the application is complete.

Accordingly, **CP(IB)/273(AHM) 2023** is dismissed.

-sd-

**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

-sd-

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**