NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1286 of 2026

IN THE MATTER OF:

Siddharth Satish Katariya Ex- Director
Superfine Metals Pvt. Ltd. ...**Appellant(s)**

Versus

Central Bank of India & Anr. ...**Respondent(s)**

Present:

For Appellant	:	Mr. Krishnendu Datta, Sr. Advocate with Mr. Saurav Agrawal, Mr. Lalit Katariya, Mr. Akhil Sachar, Ms. Monali Solanki, Mr. Arjun Gaind, Advocates.
For Respondents	:	Mr. Kunal Tandon, Sr. Advocate with Mr. Tushar Singh, Ms. Natasha Singh, Ms. Akshra Arshi, Advocates for R-1. Ms. Neha Rajpal, Advocate for R-2.

O R D E R
(Hybrid Mode)

27.07.2026: **I.A. No. 5002 of 2026**-Heard Shri Krishnendu Datta, Ld. Sr. Counsel appearing for the Appellant and Shri Kunal Tandon Ld. Sr. Counsel appearing for the Respondent No. 1 and perused the record.

2. Ld. Sr. Counsel appearing for the Appellant submits that initially in Part-IV of Form–I filed by the appellant the date of NPA was shown as 29.11.2020, and the date of first default was also shown as 29.11.2020. The notice under section 13 (2) of the SARFAESI Act, 2002 is shown to have been issued on 29.06.2022 and a recall notice was stated to have been issued on 02.01.2023, and it was only when a specific defense was taken by the Appellant/CD before the Ld. Adjudicating Authority in terms that by the admitted date of default shown by the financial creditor/Respondent the petition is barred by Section 10A of the Code, as the default period is falling

in the period stipulated under Section 10A of the Code i.e. from 25.03.2020 till 25.03.2021, an amendment application was moved by the Respondent No. 1/Bank which was allowed vide order dated 06.05.2024 and an amended Form–I was filed.

3. While drawing our attention towards Part-IV of the amended Form-I it is submitted that in this Form the date of default has been changed with regard to cash credit facilities as 10.03.2020 which was continue till 24.03.2020 and with regard to Ad hoc facility the date of default is shown as 24.03.2020 and the default amount is shown as Rs. 524,799,252.30/- and Rs. 37,378,272.80/- respectively.

4. It is submitted that in the Part-IV of the amended Form-I the account of the CD is shown to have been classified as NPA on 29.11.2020 and it was specifically mentioned that the account of the CD was regular on 29.02.2020 the financial creditor was precluded from degrading the account till 31.08.2020 on account of RBI directives and therefore the NPA classification of the account was done on 29.11.2020.

5. It is vehemently submitted that by this statement of the Respondent/Bank their claim that default has occurred on 24.03.2020 is itself falsified.

6. It is also submitted that there cannot be any default on 24.03.2020, as claimed by the Respondent/ Bank as a notice dated 21.03.2020 was sent by the Central Bank of India a copy of which has been placed at page no. 1172 of the paper book wherein it is specifically stated that the Ad hoc limit of Rs. 3.70 Crore sanctioned to the appellant on 26.12.2019 for 90 days is due to close on 26.03.2020. Thus, by the own admission of the Bank the default

cannot occur with regard to this facility before 26.03.2020 and if this amount is taken away from the default amount the rest amount is much below the threshold amount i.e. 1 Crore.

7. It is further submitted that on the direction of the Adjudicating Authority detailed affidavit has also been filed by Bank officials however the same was also not sufficient to draw any inference that the alleged default is not falling within the period specified under Section 10A of the Code.

8. Ld. Sr. Counsel appearing for the Central Bank of India however vehemently submits that concept of NPA and default is entirely different. Initially, in Form-I Part-IV four facilities were included however the facilities were restricted to two in the amended Form-I which is pertaining to cash credit limit and Ad hoc facility.

9. While drawing our attention towards the master circular issued by the RBI of date 01.04.2023 it is submitted that in Clause 2.3 of the same overdue status has been defined as well as the 'out of order' status and any amount due to the Bank under any credit facility, if overdue and not paid on the due date fixed by the Bank shall be flagged as overdue by the Bank. In this regard our attention was also drawn on the statement of account (loan account) of the CD of the Central Bank of India wherein on 07.03.2020 the outstanding amount of the cash credit limit has been shown as Rs. 524,799,252/- and the cash credit limit was of Rs. 52 Crore, therefore, according to Bank, about Rs. 52.47 Crore was due on 07.03.2022 which is about 47 lakhs more than the cash credit limit.

10. While drawing our attention towards the affidavit filed by the Assistant General Manager of Central Bank of India before the Ld. Adjudicating

Authority it is submitted that by this affidavit the date of default as well as the amount of default was clarified and with regard to the Ad hoc facility sanction letter was issued on 26.12.2019 and amount of Rs. 3,70,00,000/- was disbursed on 26.12.2019 and 90 days' period for which the facility was extended is to be calculated from 26.12.2019 itself and this 90 days' limit was due to expire on 24.03.2020 while the period stipulated under Section 10A of the Code starts from 25.03.2020 and therefore the date of default with regard to the aforesaid loan facility was not falling within the period provided under Section 10A of the Code.

11. We have heard Ld. Counsel for the parties and perused the record.

12. Keeping in view all the facts and circumstances of the case and having an eye on the affidavit filed by a responsible officer of the Bank before the ld. Adjudicating Authority which has not been disputed, without commenting on the merits of the case, we as of now are not inclined to issue any interim stay on the proceedings commenced before the Ld. Adjudicating Authority. However, any further proceeding undertaken in pursuance of the impugned order would be subject to the final order which may be passed in this appeal.

13. The aforesaid IA is disposed of in above terms.

Comp. App. (AT) (Ins) No. 1286 of 2026

14. The notice on behalf of the Respondent No. 1, has been received by Shri Tushar Singh. As requested two weeks' time is granted to the Respondent No. 1 to file reply with an advance copy to Ld. Counsel for the Appellant who if so wish may also file rejoinder within one week thereafter.

15. We also direct the Appellant to inform the IRP-Mrs. Megha Aggarwal about the passing of this order and consequently to file an affidavit of compliance till the next date of listing.

16. The IRP/Respondent No. 2 may also file reply within two weeks with an advance copy to Ld. Counsel for the Appellant who if so wish may also file rejoinder within one week thereafter.

17. List this appeal on **18.08.2026.**

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/mr