

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU**
(Through Physical Hearing / VC Mode (Hybrid))

ITEM No.06

C.P. (IB) No.122/BB/2024

IN THE MATTER OF:

State Bank of India	...	Petitioner
Vs.		
S M Pharmaceuticals Private Limited	...	Respondent

Order under Section 7 of I & B Code, 2016

Order delivered on 09.07.2024

CORAM:

SHRI K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner : Shri Omprakash

ORDER

1. Heard the Ld. Counsel for the Petitioner.
2. In compliance to the order dated 18.06.2024, the Petitioner Counsel has filed a Memo vide Dy.No.3674 dated 25.06.2024 stating that due to clerical/human error by the Financial Creditor the report issued by the NeSl showing the Date of Default as 22.03.2018 turned out to be incorrect. Subsequently, the Financial Creditor realized the error and had sent a request email requesting NeSL to change date. Upon validating all the records shared by the Financial Creditor, NeSL issued the revised record of default in Form-D showing the date of default as 31.12.2022 for all the four loans.
3. Considering the above, the Petitioner Counsel is directed to furnish an affidavit along with a clarification from NeSL that there was a typographical error in the earlier report mentioning the date of default as 22.03.2018 within two weeks. Moreover, the same will have to be explained on the basis of Loan agreement and 'Event of Default' based on the agreement on the next date of hearing. List the case on **14.08.2024**.

Sd/-
(MANOJ KUMAR DUBEY)
MEMBER (TECHNICAL)

Gayathri

Sd/-
(K. BISWAL)
MEMBER (JUDICIAL)