NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

1. IA/196/2026 C.P. (IB)/689(MB)2024

IN THE MATTER OF

AWFIS Space Solutions Private Limited

Vs

RAB Enterprises (India) Private Limited

U/s 9 of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 20.08.2026

CORAM:

MS. LAKSHMI GURUNG
MEMBER (J)

SH. CHARANJEET SINGH GULATI
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:
For the RAB Enterprises: Satyajit Sarna, Mr. Aman Goyal (VC)
For the Respondent:

ORDER

IA/196/2026: - The above IA is listed for pronouncement of the order. The same is pronounced in open court, vide a separate order.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)
//Zakir//

Sd/-
LAKSHMI GURUNG
Member (Judicial)

I.A. 196/2026

Under Rule 11 read with Rules 43 and 55 of the National Company Law Tribunal Rules, 2016.

RAB Enterprises (India) Private Limited

Through its authorized representative, Mr. Jitu Yadav

Having address at:

307-308, 3rd Floor, Midas, MV Road, Shaar Plaza, Andheri East, Mumbai, Maharashtra – 400 069.

... Applicant

Versus

Awfis Space Solutions Limited

Having address at:

28-29, Kissan Bhawan, Qutab Institutional Area, New Delhi – 110 016.

... Respondent

IN THE MATTER OF

Awfis Space Solutions Limited

Having address at:

28-29, Kissan Bhawan, Qutab Institutional Area, New Delhi – 110 016.

... Operational Creditor/Petitioner

Versus

RAB Enterprises (India) Private Limited

Through its authorized representative, Mr. Jitu Yadav

Having address at:

307-308, 3rd Floor, Midas, MV Road,
Shaar Plaza, Andheri East, Mumbai,
Maharashtra – 400 069.

... Corporate Debtor

Order Pronounced on: 20.08.2026

Coram:

Sh. Charanjeet Singh Gulati Member (Technical)	Ms. Lakshmi Gurung Member (Judicial)

Appearances:

For Applicant: Adv. Satyajit Sarna, Adv. Aman Goyal (VC).

For Respondent: Sr. Adv. Zal Andhyarujina a/w. Anup Dagunta, Adv. Akanksha Agarwal, Adv. Dahika Hemani and Adv. Rishad Mehta i/b Jhangiani Narula and Associates (PH)

ORDER

1. The present Interlocutory Application has been filed by RAB Enterprises (India) Private Limited under Rule 11, read with Rule 43 and 55 of the National Company Law Tribunal Rules, 2016 ("**NCLT Rules**") with following prayers:
    a) *Allow the additional documents to be placed on record and to be relied upon by the Applicant/Corporate Debtor*;
    b) *Pass any other order(s) that it may deem fit in the interest of justice.*

Brief Facts and submissions as per the Application:

2. The Operational Creditor ("**Respondent**" herein) has filed the petition being C.P. 689 of 2024 under Section 9 of the Insolvency and bankruptcy Code, 2016 ("**Code**"), against RAB Enterprises (India) Private Limited ("**Applicant/Corporate Debtor**").

3. By way of the present I.A., the Applicant seeks to place on record certain documents to substantiate its contention that disputes existed between

the parties prior to the issuance of the statutory demand notice dated 28.06.2024 under Section 8 of the Code.

4. The Applicant seeks leave of the Tribunal to place the following documents on record. The table below sets out the documents and their relevance:

Sr. No.	**Document**	**Relevance**
1.	True copy of Supplementary Reply dated 30.08.2024 sent by the Applicant to the Demand Notice in furtherance of the initial reply dated 07.07.2024.	Besides the initial Reply dated 07.07.2024 to the Demand Notice, the Applicant had sent a supplementary reply to the demand notice on 30.08.2024. This was sent jointly by the Applicant and DOIT Urban Ventures (India) Pvt. Ltd. (“DUV”) [now Rurban Smart Infraventures (India) Private Limited] ("Rurban"). It was inadvertently not filed with the Reply to the Section 9 Petition.
2.	True copy of the extract of the Respondent’s Form GSTR-2B (Quarterly) generated on 14.07.2023 for June 2023.	The Applicant in its Reply to the Section 9 Petition as well as its Reply dated 07.07.2024 to the Demand Notice, has claimed that there subsisted a pre-existing dispute between the parties. Paras 19 and 20 of the Reply to the Section 9 Petition state that the disputed nature of the invoice dated 13.06.2023 is evident from the GST portal and RAB not having taken input credit. However, the
3.	True copy of the extract of the Form GSTR-3B for June 2023 from the GST Portal.	

		relevant extracts of the GST Portal which reflect this were not annexed with the Reply due to due to changes in secretarial staff of the company who had access to the documents. These extracts of Form GSTR-2B (Quarterly) and Form GSTR-3B for June 2023 therefore are documents which have been pleaded but have merely not been annexed previously. Not only are these pleaded documents, they are also essential for conclusive determination of a central issue in the matter, i.e. whether there was a pre-existing dispute between the parties as to the alleged claim. A perusal of the extract of Form GSTR-2B (Quarterly) for June 2023 shows that input tax credit was available to RAB on the invoice dated 13.06.2023 raised by Awfis. However, it is evident from the copy of Form GSTR-3B for June 2023 that the Applicant (RAB) rejected the available input tax credit.
4.	True copies of letters dated 05.01.2024, 17.01.2024 and 01.02.2024 from erstwhile DUV (now Rurban) to Chairperson,	The annexed letters capture the pending disputes of the Petitioner (Awfis) and its related entity, NCUBE, with Rurban and RAB. This includes the i) then pending

	Securities and Exchange Board of India (“SEBI”)	arbitration ii) the O&M Petition, being CP 128(ND)/2023: Mr. Amit Ramani & Ors. V. NCUBE Planning and Design Private Limited & Ors., and iii) CP (IB) 582 of 2023, being the insolvency petition filed by Rurban against NCUBE. Besides the existence of these multiple disputes and proceedings, these letters are complaints to SEBI in respect of, inter-alia, non-disclosure of certain ongoing proceedings in the draft red-herring prospectus ("DRHP"), violation of various SEBI regulations and the fraud perpetrated by the Petitioner's promoters. The letter dated 01.02.2024 also highlights how Mr. Amit Ramani had siphoned/ diverted a large quantum of funds and business from NCUBE to Awfis in order to superficially inflate the valuation of Awfis for its IPO (at the cost of Rurban and RAB). The letter dated 01.02.2024 calls for, inter-alia, cessation of the Petitioner's IPO. Thus, these letters indicate the extensive conflict that existed between Rurban and RAB on the one side with Awfis and NCUBE (through Mr. Ramani).

5.	True copy of the Statement of Claim dated 11.01.2024 ("**SOC**") filed by erstwhile DUV (now Rurban) in the arbitration initiated against NCUBE, Mr. Amit Ramani & others (along with documents filed therewith).	Rurban had initiated arbitration against NCUBE, Mr. Ramani and his family members pertaining to the aforesaid subject matter (as well as loans due from NCUBE to Rurban) vide its notice of arbitration dated 23.08.2023. The SOC in the arbitration was filed on 11.01.2024 and indicates the wide spectrum of disputes that existed among Rurban, RAB, Mr. Amit Ramani, NCUBE and Awfis as related parties.

5. It is submitted that the non-production of these documents was inadvertent. The Applicant could not access them due to changes in its secretarial and compliance personnel, who had restricted access to the records. Further, the Applicant's efforts to compile and file these documents along with the Reply were delayed because it was simultaneously dealing with investigations under the Prevention of Money Laundering Act, 2002 ("PMLA").

6. It is submitted that the documents are necessary to place the complete factual matrix before this Tribunal and to establish the existence of a pre-existing dispute. As no prejudice would be caused to the Respondent by taking them on record, while their exclusion would seriously prejudice the Applicant's defence, the balance of convenience lies in favour of allowing the present application.

7. In support of its contentions, the Applicant has relied on the following judgments:
    a. *Gannon Dunkerley & Company Ltd v. RDC* — 2025 SCC OnLine NCLAT 1311
    b. *Dena Bank v. C. Shivkumar Reddy*; (2021) 10 SCC 330

c. *Sugandhi v. P. Rajkumar*; (2020) 10 SCC 706

d. *Hamon Research Cottrell (Shanghai) Company Limited*; IA (IBC) /687 (CHE) /2024 in CP (IB) /40 (CHE) /2023

e. *Asset Reconstruction Company (India) Ltd v. Tulip Star Hotels Ltd*; 2022 SCC Online SC 944

8. Accordingly, the Applicant prays that this Tribunal be pleased to take the aforesaid documents on record.

Reply on behalf of the Respondent:

9. It is contended that the present Application, was filed more than ten months after the Reply in the main petition and nearly six months after the conclusion of oral arguments, is a belated afterthought intended to delay the disposal of Section 9 Petition, C.P. (IB) No. 689/MB/2024. It is submitted that all the documents sought to be placed on record pre-date the Applicant's Reply and were admittedly within its knowledge and possession. The Applicant has sought to produce these documents only after the conclusion of oral arguments to delay the proceedings.

10. It is submitted that the Applicant's request to place on record additional documents was already denied by this Tribunal vide its Order dated 05.12.2025, and that the present Application is an attempt to circumvent the order dated 05.12.2025 and to delay the proceeding.

11. The Respondent's objections to the relevance of the documents sought to be placed on record by the Applicant are summarized below:

Sr. No.	Document	Relevance
1.	True copy of Supplementary Reply dated 30.08.2024 sent by the Applicant to the Demand Notice in	It is contended that the statutory scheme of the IBC does not contemplate any Supplementary Reply to the Section 8 Notice.

	furtherance of the initial reply dated 07.07.2024.	Further, the Applicant failed to place the said document on record along with its Reply, despite the document having been admittedly sent after the filing of the Section 9 Petition. Moreover, no reference to the said document or the alleged Supplementary Reply has been made in the Reply
2.	True copy of the extract of the Respondent's Form GSTR-2B (Quarterly) generated on 14.07.2023 for June 2023.	It is denied that there were any pre-existing disputes as alleged. It is denied that the invoice dated 13.06.2023 was disputed. It is denied that the documents are essential for conclusive determination of any alleged issue. Further, it is submitted that the said documents are internal documents of the corporate debtor and in no way can be treated as a pre-existing dispute
3.	True copy of the extract of the Form GSTR-3B for June 2023 from the GST Portal.	
4.	True copies of letters dated 05.01.2024, 17.01.2024 and 01.02.2024 from erstwhile DUV (now Rurban) to Chairperson, Securities and Exchange Board of India ("SEBI").	It is submitted that the Notices were sent on behalf of Rurban (A Company distinct from the Corporate Debtor). Even otherwise, the disputes do not pertain to the transaction. It is a settled preposition of law that an alleged pre-existing dispute must relate to the transaction or debt that forms the basis of the Section 9 Application. It is submitted that the

		O&M Petition was filed by Mr. Amit Ramani and his family members against NCUBE and DUV, wherein neither the Operational Creditor nor the Corporate Debtor were a party, and the same was withdrawn. CP (lB) 582 of 2023, the Insolvency Petition was filed by DUV against NCUBE and the same was dismissed.
5.	True copy of the Statement of Claim dated 11.01.2024 ("**SOC**") filed by erstwhile DUV (now Rurban) in the arbitration initiated against NCUBE, Mr. Amit Ramani & others (along with documents filed therewith).	It is submitted that neither the Operational Creditor nor the Corporate Debtor were a party to the said dispute. Further, the dispute was admittedly withdrawn by the claimant therein. Even otherwise, it is reiterated that any alleged pre-existing dispute must relate to the transaction or debt that forms the basis of the Section 9 Application.

12. It is submitted that the Applicant's reliance on Rule 43 of the NCLT Rules is misconceived, as the said Rule only empowers the Tribunal to direct production of documents, and no such direction has been issued in the present case. Likewise, the Applicant cannot rely upon Rule 55 of the NCLT Rules, which pertains to subsequent pleadings and not to the filing of additional documents. Rule 41(1) expressly requires documents to be filed along with the Reply. It is a settled principle of law that a party seeking leave to produce additional documents, which were within its power, possession, or control at the time of filing the Reply, must establish sufficient cause for its failure to produce them earlier. This principle is reflected in Order XI Rules 7, 9, and 10 of the

Code of Civil Procedure, 1908, as amended by the Commercial Courts Act, and is also embodied in Rule 41(1) of the NCLT Rules.

13. Accordingly, the Respondent submits that the present Application deserves to be dismissed with costs.

Analysis and Findings

14. We have considered the pleadings on record, the submissions advanced by the parties and the documents placed before us.

15. At the outset, it is relevant to note that C.P. 689(MB)/2024 was filed on 19.08.2024, and the Corporate Debtor (Applicant herein) filed its Reply on 13.02.2025. The present I.A. bearing no. 196 of 2026, seeking to place certain additional documents on record, was filed on 10.01.2026.

16. It is the case of the Applicant that he was unable to access these documents in time due to change in its secretarial and compliance staff who had restricted access, and also due to the fact that the Applicant was simultaneously engaged in investigations under the Prevention of Money Laundering Act, 2002. It is contended that the extracts of Form GSTR-2B and Form GSTR-3B are already pleaded at paragraphs 19 and 20 of the Reply to the Section 9 Petition, which demonstrates that the Applicant always intended to rely on them and that their omission was of annexure, not of pleading. It is further contended that these documents are necessary to place the complete factual matrix before this Tribunal, particularly on the question of whether a pre-existing dispute existed between the parties prior to the issuance of the statutory demand notice dated 07.07.2024, and that declining the present application would cause grave harm as the Applicant would be subjected to CIRP despite possessing material which would establish a genuine pre-existing dispute.

17. *Per contra*, the Respondent contends that all the documents pre-date the Reply and were admittedly within the Applicant's knowledge, power and possession, and that this Tribunal had already declined a similar request for filing additional documents vide its Order dated 05.12.2025.

It is further contended that Rule 43 of the NCLT Rules only empowers the Tribunal to direct production of documents and does not confer a right on a party to seek leave to file documents on its own. Also, Rule 55 pertains to subsequent pleadings and not to documents and Rule 41(1) requires documents to be filed along with the Reply. Furthermore, a party seeking leave to produce documents that were within its power, possession or control at the time of filing of reply, must show sufficient cause, as reflected in Order XI Rules 7, 9 and 10 of the Code of Civil Procedure, 1908 (as amended by the Commercial Courts Act, 2015) and in Rule 41(1) of the NCLT Rules.

18. Therefore, the limited issue for our consideration is whether the Applicant ought to be permitted to place the documents at Annexures A-1 to A-5 on record?

19. The Respondent has contended that this Tribunal vide order dated 05.12.2025 has already denied the Applicant's request to place on record additional documents, and the present IA was filed to circumvent the said order and to delay the proceedings. For ready reference, the order dated 05.12.2025 is reproduced hereinbelow:

> *"**C.P.(IB)/689(MB)2024**: This matter was heard on 03.07.2025 and subsequently parties were given liberty to file their written note. However, in the subsequent time the constitution of Bench changed, and the matter needs to be reheard. Learned counsel for the Petitioner submits that he is led by Sr. Adv. Zal who is before the Hon'ble High Court in a part heard matter and accordingly, seeks accommodation. Adv. Satyajit Sarna has logged in through the VC on behalf of the Respondent and initially sought time to put in certain additional documents by way of Additional Affidavit, which has been strongly opposed by the counsel for the Petitioner. We also noted that this matter was already heard once, therefore, we deny the request of the counsel to file any additional document at this stage. He further submits that a*

short time could be given for making submission on the issue based on the existing pleadings. List the matter accordingly for final hearing on 15.01.2026"

20. As regards the Respondent's reliance on the Order dated 05.12.2025, we are of the view that the said Order was passed in the context of an oral request made across the bar for time to file an additional affidavit, and does not amount to an adjudication on the merits.

21. It is relevant to take note of Rule 55 of the NCLT Rules, 2016, which provides as under:

> *"No pleadings, subsequent to the reply, shall be presented except by the leave of the Tribunal upon such terms as the Tribunal may think fit."*

From the aforesaid it is evident that this Tribunal is vested with the power to accept the subsequent pleadings presented after the original reply is filed after granting leave for presentation of those pleadings, on such terms as the Tribunal deems fit.

22. In respect of taking additional documents on record, we place reliance of the judgment of the Hon'ble NCLAT in ***Gannon Dunkerley & Company Ltd. vs. RDC* (2025) SCC OnLine NCLAT 1311**, wherein, while deciding the appeal filed by the Corporate Debtor against the rejection of its IA seeking to place on record additional documents in the Section 9 petition, Hon'ble Tribunal observed as under:

> *"11. In the reply to demand notice, the Corporate Debtor has to bring to the notice of the Operational Creditor (a) existence of a dispute, if any, or record of the pendency of the suit or arbitration proceedings; (b) the payment of unpaid operational debt. Sub-section (2) of Section 8 does not contemplate filing of any other record or document except those referred to in sub-section (2). We do not subscribe to the view of the Adjudicating Authority that at the time of submitting reply to the demand notice Corporate Debtor had opportunity to place the documents which are sought*

to be filed along with the IA on record. It is true that at the time of filing of Affidavit-in-Reply, all necessary documents could have been filed but the question of submission of additional documents only arises when pleadings are complete and any document which may deem necessary by the parties has not been brought on the record. Rule 55 of the NCLT Rules, 2016 empowers the Court to grant leave on such terms as the Tribunal may deem fit subsequent to filing of reply, thus, accepting additional documents after filing reply is contemplated by the rule itself. Adjudicating Authority in the impugned order has referred to the judgment of the Hon'ble Supreme Court in "Dena Bank vs. C. Shivakumar Reddy and Anr- (2021) 10 SCC 330". Adjudicating Authority has referred to paragraph 144 of the judgment (paragraph 142 of the SCC). Another relevant paragraph of the judgment is paragraph 89. Paragraphs 89 and 142 of the judgment are as follows:-

> *"89. On a careful reading of the provisions of the IBC and in particular the provisions of Sections 7(2) to (5) IBC read with the 2016 Adjudicating Authority Rules there is no bar to the filing of documents at any time until a final order either admitting or dismissing the application has been passed.*
>
> *142. There is no bar in law to the amendment of pleadings in an application under Section 7 IBC, or to the filing of additional documents, apart from those initially filed along with application under Section 7 IBC in Form 1. In the absence of any express provision which either prohibits or sets a time-limit for filing of additional documents, it cannot be said that the adjudicating authority committed any illegality or error in permitting the appellant Bank to file additional documents. Needless however, to mention that depending on the Company Appeal (AT) (Insolvency) No. 1222 of 2025 facts and circumstances of the case, when*

there is inordinate delay, the adjudicating authority might, at its discretion, decline the request of an applicant to file additional pleadings and/or documents, and proceed to pass a final order. In our considered view, the decision of the adjudicating authority to entertain and/or to allow the request of the appellant Bank for the filing of additional documents with supporting pleadings, and to consider such documents and pleadings did not call for interference in appeal."

12. In paragraph 89, the Hon'ble Supreme Court has categorically laid down that ***there is no bar to the filing of documents at any time until a final order either admitting or dismissing the application has been passed****. Paragraph 89 has not been brought into the notice of the Court. It is true that it is the discretion of the Court to accept or not to accept the additional documents but the discretion has to be exercised objectively and judicially."*

*[**Bold for Emphasis**]*

23. In the aforesaid judgment, the Hon'ble NCLAT held that filing of additional documents after the reply is contemplated under Rule 55 of the NCLT Rules, 2016, even once the pleadings are complete. It further relied on the observation of the Hon'ble Supreme Court in *Dena Bank v. C. Shivakumar Reddy*, that there is no bar to filing documents at any time before a final order is passed. The Hon'ble NCLAT clarified that while accepting additional documents remains within the Adjudicating Authority's discretion, such discretion must be exercised objectively and judicially, and cannot be used to reject relevant documents on a purely technical ground.

24. The Respondent has contended that it is a settled principle of law that a party seeking leave to produce additional documents, which were within its power, possession, or control at the time of filing the Reply, must establish sufficient cause for its failure to produce them earlier,

as stipulated in Order XI Rules 7, 9, and 10 of the Code of Civil Procedure, 1908. However, under Section 424 of the Companies Act, 2013, this Tribunal is not bound by the procedure laid down in the Code of Civil Procedure, 1908, and shall instead be guided by the principles of natural justice.

25. Having regard to the Applicant's explanation, we are of the view that the reasons furnished, namely, the restricted access occasioned by change in secretarial and compliance personnel, coupled with the Applicant's simultaneous engagement in investigations under the PMLA constitute sufficient cause for not placing the documents at Annexures A-1 to A-5 on record along with the Reply. The Applicant has further stated that the substance of these documents, being extracts of Form GSTR-2B and Form GSTR-3B, had already been pleaded in paragraphs 19 and 20 of the Reply filed in the main petition, contending that their omission was merely one of annexure and not of pleading, and that the Applicant was not seeking to introduce an entirely new case through these documents. However, upon perusal of the Reply, it is found that the relevant averments are contained in paragraphs 29 and 30, and not in paragraphs 19 and 20, wherein reference is made to the dispute concerning the invoice dated 13.06.2023 and the rejection of GST credit by the Applicant and RAB.

26. Applying the aforesaid principle to the facts of the present case, we find that the documents sought to be placed on record may have bearing on the question of whether a pre-existing dispute existed between the parties prior to the issuance of the statutory demand notice dated 07.07.2024, which is an issue for admission in the main petition. In the interest of natural justice, we are of the considered view that the Applicant has sufficiently explained the delay in placing the documents on record and established their relevance. Accordingly, the Applicant ought to be permitted to place on record the documents annexed as Annexures A-1 to A-5.

27. However, it is noted that the pleadings in the main petition had already been completed and, owing to the change in the constitution of the Bench, the matter had been placed for fresh hearing. The Applicant filed its Reply on 13.02.2025, whereas the present I.A. was filed only on 10.01.2026, after a delay of approximately eleven months. It is pertinent to note that the IBC contemplates a time-bound process. Under Section 9(5) of the Code, an application under Section 9 is ordinarily required to be admitted or rejected within fourteen days. The present I.A. and plea of the Applicant regarding the additional documents have resulted in considerable delay in the adjudication of the main petition. Further, though the Applicant has sought to explain the delay by referring to changes in its secretarial and compliance personnel and its involvement in proceedings under the Prevention of Money Laundering Act, 2002 (PMLA), no specific particulars/details have been furnished regarding the period for which the personnel were unavailable or the specific difficulties caused by such proceedings. In the circumstances, while permitting the documents to be taken on record, we deem it appropriate to impose cost of **Rs. 1,00,000/- (Rupees One Lakhs only)** on the Applicant, to be deposited in the Prime Minister's National Relief Fund within seven days from the date of this Order. The Applicant shall place on record the original receipt evidencing payment of the aforesaid costs before the Registry, which shall be retained with the records of the present I.A.

28. Subject to such payment and compliance, the present I.A. No. 196 of 2026 is **allowed** and stands **disposed of**.

Sd/-	**Sd/-**
Charanjeet Singh Gulati	**Lakshmi Gurung**
Member (Technical)	**Member (Judicial)**

OmkarD.