



**Debts Recovery Tribunal-III, Delhi**  
**OA/162/2016**  
**ARCIL Vs M/s Uday Estates Pvt Ltd**

15.07.2025

Item no. 22

Present: Mr. Rajeeve Mehra, Ld. Senior Advocate along with  
Mr. Dinkar Singh, Ld. counsel for applicant FI.  
Mr. R.S. Brara along with Mr. Shubham Mishra, Ld.  
counsels for defendant no. 6

1. This matter is taken up by this Tribunal through Hybrid mode.
2. **IA No. 355/2025** has been filed by Defendant No.6, *M/s Ganpati Buildtech Pvt. Ltd.*, under Sections 22(1) and 22(2) of the RDB Act, 1993 read with Rules 12(9) and 18 of the DRT Rules, seeking cross-examination of officials of the Applicant ARCIL in view of materially contradictory Statements of Account forming the basis of the claim in the OA. The OA, filed in 2016, was originally supported by a Statement of Account dated 31.03.2015 showing dues of Rs. 60 crore and Rs. 12.95 crore under Term Loan-I and II respectively. However, during final hearing, ARCIL filed a re-casted statement on 17.02.2024 without prior leave, altering principal figures. Subsequently, after the matter was reserved for orders, a further revised version was filed on 18.05.2024, citing clerical error in crediting Rs. 46.22 crore realised under a Resolution Plan dated 16.10.2023 (implemented on 12.01.2024), despite prior assertions that the accounting system was "tamper-proof." The supporting affidavit dated 17.05.2024 confirmed dues as on 24.05.2024, creating internal inconsistencies. Initially, both revised statements were taken off record by Tribunal order dated 24.06.2024, but Hon'ble DRAT-Delhi, vide order dated 23.08.2024, directed their consideration and assessment of authenticity. This Tribunal later accepted only the revised statement vide order dated 07.01.2025, which again was set aside in appeal, with directions to reassess the matter afresh. In this background, Defendant No.6 seeks cross-examination of ARCIL officials to test the reliability of these contradictory versions, citing serious doubts over the integrity of the claim.
3. On the other hand, ARCIL opposes the application, contending that the OA is based on certified records dated 31.03.2015 (Exhibit AW1/46), pursuant to a valid assignment from Bank of Baroda dated




13.03.2013, and that the underlying debt was already adjudicated in SA No. 399/2013 by final order dated 29.04.2016. ARCIL admits an inadvertent clerical error in the re-casted statement filed on 17.02.2024, rectified in the revised statement filed on 18.05.2024, and submits that these adjustments were made only to give credit for realised amounts. It argues that Defendant No.6 never filed a counter-statement of account and that no grounds have been made out to justify cross-examination. ARCIL further submits that adjudication must rest on the statement of account filed with the OA, and that the Tribunal is empowered under Rule 12(6) to rely on affidavits without mandating cross-examination unless warranted.

4. After hearing Ld. Counsels for both the parties and the perusal of the records, this Tribunal is of the considered view that this OA is based on a Statement of Account dated 31.03.2015, but subsequent materially different versions were filed twice on 17.02.2024 and again on 18.05.2024 each showing altered figures, justifications, and accounting entries without formal applications or Tribunal leave. The explanation offered by ARCIL, attributing the discrepancies to clerical/systemic errors, stands on a tenuous footing in light of its earlier representation that the accounting system is "tamper-proof," and given that the affidavit dated 17.05.2024 confirms dues as on 24.05.2024, creating internal contradictions.
5. The Hon'ble DRAT has already taken cognizance of these developments and directed this Tribunal to assess the correctness of the revised statements before passing final orders. Furthermore, Rule 12(6) of the DRT Rules, 1993 vests the Tribunal with discretion to permit cross-examination where justified. While routine affidavits need not attract cross-examination, where credibility, authenticity, or foundational facts are challenged, as in the present case such power must be exercised to uphold fairness.
6. It is settled law that adjudication under the RDB Act 1993, although summary in nature, must still adhere to the principles of natural justice. In this case, multiple contradictory Statements of Account, filed during and after the final hearing stage, constitute a serious and justifiable ground for testing the correctness of the facts asserted therein.
7. In light of the above discussion, this Tribunal is satisfied that Defendant No.6 has made out a prima

facie case warranting cross-examination of the concerned ARCIL officials, particularly those who have affirmed or relied upon the Statements of Account filed on 17.02.2024 and 18.05.2024. This is necessary to assess the credibility of the evidence forming the substratum of the OA.

8. Accordingly, the present **IA No. 355/2025** is hereby allowed. The concerned competent officer of the ARCIL, who is well acquainted with the above-noted facts, regarding statement of account, shall remain present in person for cross-examination on the next date.
9. List the matter on 02.08.2025 for cross- examination of the applicant witness by defendant no. 6.

15.07.2025

  
(SHIV KUMAR - I)  
PRESIDING OFFICER,  
DRT-III, DELHI

