

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 109

CP (IB) 183/Chd/Pb/2023

IN THE MATTER OF:-

R K Enterprises Sole Proprietorship
through Rejinder Kumar

...Petitioner

Versus

Shiv Kumar Vig

...Respondent

Under Section: 95(1), IBC 2016

Order delivered on 02.07.2024

CORAM:

**SH. L. N. GUPTA
MEMBER (TECHNICAL)**

**SH. HARNAM SINGH THAKUR
MEMBER (JUDICIAL)**

PRESENT:

For the petitioner : Mr. G. S. Sarin, PCS
For the RP : Ms. Preeti YAdav, Advocate
For the Personal Guarantor : Ms. Gulruk Sidhu, proxy counsel for Mr.
Aalok Jagga, Advocate

ORDER

Response to the report of the RP has been filed by Id. authorised representative for the petitioner vide Diary No.02232/3 dated 01.05.2024. The same is taken on record. It is stated by Id. authorised representative for the petitioner that the notice required under Section 95(4) read with Rule 7(2) of the IBC has not been served upon the personal guarantor and this is a defect in the petition. Therefore, on instructions he may be permitted to withdraw the present petition with liberty to file the same with better particulars in accordance with law. Keeping in view the facts and circumstances of the present case and the statement made by Id. authorised representative for the

petitioner the present petition stands ***dismissed as withdrawn*** with liberty aforesaid.

File be consigned to the record room.

Sd/-

(L. N. GUPTA)
MEMBER (TECHNICAL)
Tanvi

Sd/-

(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)