

**IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT-V, NEW DELHI BENCH**

C.P.(I.B.) NO. 408/ND/2020

An application under Section 94(1) of the Insolvency and Bankruptcy Code, 2016

IN THE MATTER OF:

MR. AMIT BASIA

SU 217 1st FLOOR, PITAMPURA,
New Delhi-110034

Through

MRS. GUNJAN MITTAL

RESOLUTION PROFESSIONAL

...Personal Guarantor/Applicant

Order Delivered on: 17.05.2024

CORAM:

SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)

DR. SANJEEV RANJAN, HON'BLE MEMBER (TECHNICAL)

Appearances (through Video Conferencing/physical hearing)

For the Applicant : Adv. Akshay Gupta, Adv. Mehak Upadhyay

For the Respondent :

ORDER

PER: MAHENDRA KHANDELWAL, MEMBER (JUDICIAL)

1. The present Petition CP (IB) No. 408/ND/2020 is filed under section 94(1) of the Insolvency and Bankruptcy Code, 2016 (**'Code'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution process for Personal Guarantors to Corporate Debtor) Rules, 2019 (**'Personal Guarantors Rules'**) and regulation 4(2) of IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 (**'Personal Guarantors Regulations'**) filed by Mr. Amit Basia, Personal

Guarantor of M/s Global Houseware Limited (Corporate Debtor in Liquidation) for initiating the Insolvency Resolution Process (**'IR Process'**).

2. The Applicant has filed the present petition seeking insolvency resolution process against itself. On perusal of the records, it is observed that a copy of the application has already been served to the Financial Creditors and the Liquidator for whom the Guarantor is a Personal Guarantor in accordance with Rule 6(2) of the Personal Guarantors Rules.
3. The Applicant has filed an Application bearing I.A. No. 3097 of 2022 under Section 98(1) of the Insolvency and Bankruptcy Code, 2016 for change of name of the Resolution Professional which was originally proposed in the petition. However, now he proposes the name of Mrs. Gunjan Mittal as Resolution Professional, Email – ip.gunjanmittal@gmail.com, Reg. No: IBBI/IPA-003/ICAI-N-00361/2021-2022/13756, to act as the Resolution Professional in the matter. The Applicant has filed Authorization for Assignment of the Resolution Professional in compliance of order dated 01.02.2024. Authorization for Assignment is valid till 02.08.2024.
4. The Hon'ble Supreme Court of India in the matter of **Dilip B Jiwrajka Vs. Union of India & Ors.** in Writ Petition (Civil) No. 1281 of 2021 while considering the constitutional validity of Sections 95-100 of the Insolvency and Bankruptcy Code, 2016 in their judgment have concluded that no judicial adjudication is involved at the stages envisaged in Sections 95-99 of the IBC. The Hon'ble Supreme Court of India has further concluded that no hearing is required by the Adjudicating Authority at the stage when it appoints a Resolution Professional u/s 97(5) of IBC.
5. The Liquidator of the Corporate Debtor for whom Personal Guarantee was given, Mr. Vijender Sharma has filed an objections against initiation of Personal Insolvency Resolution Process on 26.12.2020. As per the Hon'ble Supreme Court Judgment in **Dilip B Jiwrajka (Supra)** no adjudication can be done at this stage, therefore, this Adjudicating Authority hereby appoints Mrs. Gunjan Mittal as the Resolution Professional in the matter and further directed the Resolution

Professional to file his report in terms of Section 99 of the Code and the relevant Regulations within the stipulated timeline.

6. A copy of the Report by the resolution professional under Section 99 to be filed and shall be forthwith provided to the Personal Guarantor and Financial Creditors of the Petitioner.
7. A copy of this order shall be forwarded to Resolution Professional, Applicant, Corporate Debtors and the IBBI.
8. List the matter on 04.07.2024 for the perusal of the Report of the RP and further proceedings.

Sd/-
(DR. SANJEEV RANJAN)
MEMBER (TECHNICAL)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER(JUDICIAL)