

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 204
(IB)-165(PB)/2021
IA-1058/2024

IN THE MATTER OF:

State Bank of India

... **Applicant/Petitioner**

Versus

Hem Singh Bharna

... **Respondent**

Under Section: 95(1) of IBC, 2016

Order delivered on 13.05.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Respondent : Adv. Apoorv Aggarwal, Adv. Divya Verma

For the RP : Mr. Bhavya Khatreja and Mr. Shashank Agarwal,
Advocates

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-1058/2024: Mr. Apoorv Aggarwal, Ld. Counsel appearing for the PG submitted that in terms of (IB)-190(PB)/2017, filed by the Union Bank of India i.e. one of the members of the consortium along with the creditor before us which sanctioned the financial facilities in favour of M/s. Era Infra Engineering Ltd., the CIRP has commenced against Principal Borrower and the proceedings are pending before Court-V, thus the present proceedings should be transferred to the same bench. Confronted with the plea, the Ld. Counsel for the SBI sought an adjournment to take instructions from his client before making further submission in the matter. At his request, the hearing is deferred to 22.05.2024. On the next date, we will also examine the issue that when the proceedings against the Principal Borrower viz. Era Infra Engineering Ltd., have been instituted by Union Bank of India and the present proceedings are instituted at the behest of State Bank of India, whether the provisions of Section 60(3) of IBC, 2016, will apply to the present case.

List the matter on 22.05.2024.

Sd/-

(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-

(ASHOK KUMAR BHARDWAJ)
MEMBER (J)