

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 11
TA (IBC)- 17(PB)/2024

IN THE MATTER OF:

State Bank Of India
v.
Rajendra Kumar Chaudhary

.... Petitioner/Applicant

.... Respondent

Order under Rule 16(d) NCLT , 2016

Order delivered on 12.07.2024

CORAM:
JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

(HEARING THROUGH PHYSICAL MODE & VC)

PRESENT:

For the Petitioner : Mr. Asav Rajan, Ms. Charu Trivedi, Mr.
Devang Shrotriya, Advocates
For the Respondent :

ORDER

1. State Bank of India ("SBI") has filed two transfer petitions i.e. TA (IBC)- 16(PB)/2024 and TA (IBC)- 17(PB)/2024 seeking transfer of CP (IB) No.108 (MB) of 2022 pending before Bench -IV of NCLT, Mumbai and CP (IB) No.107 (MB) of 2022 pending before Bench -V of NCLT, Mumbai to Bench-II, NCLT, Mumbai. CP (IB) No. 108 (MB) of 2022 and CP (IB) No. 107 (MB) of 2022 are filed against Mr. Naresh Kumar Chaudhary and Mr. Rajendra Kumar Chaudhary respectively who are the personal guarantors of the Corporate Debtor namely Bil Energy Systems Ltd. against whom Company Petition bearing No. IB-4058/2019 under Section 7 is pending before Bench-II, NCLT, Mumbai.
2. In one of the cases i.e. C.P. (IB)/108(MB)2022, Bench-IV, NCLT, Mumbai has recorded as follows:-
 1. *Adv. Arjun Sathees i/b Indialaw LLP, Ld. Counsel for the Petitioner/ Financial Creditor present through VC. Mr. Avinash R. Khanolkar a/w Ms. Surekha Yadav, Ld. Counsel for the Resolution Professional present. Mr. Aniruth Purusothaman, Ld. Counsel for the Personal Guarantor present.*
 2. *Both the Counsel submit that the main company petition against the principal borrower is pending before the Bench No-II. They submit*

that the present 95 petition can be transferred to the same Bench. The Ld. Counsel for the Financial Creditor seeks permission to move the transfer application before the Principal Bench, Delhi to transfer the matter in Court No-II. Time granted. In view of the above, we feel it appropriate to adjourn the matter Sine-die. Hence, the matter is adjourned Sine-die. Liberty is given to the Financial Creditor to mention the matter before this Bench when the issue reaches a finality.

3. In that matter Adv. Arjun Sathees, Ld. Counsel for the Personal Guarantors has himself considered for transfer of the CP (IB) No.107 (MB) of 2022 and CP (IB) No.108 (MB) of 2022 to Bench-II, NCLT, Mumbai for better adjudication of the matter.
4. In this case, notice was sent. Affidavit of service has been filed. Intimation to the Counsel for Respondents was also given. However, no reply/response was filed.
5. Considering the contention raised on the merits and taking note of the fact that the case against the Principal Borrower/Corporate Debtor is pending before Bench-II, NCLT, Mumbai and for the convenience of the parties & for better adjudication of the matter both the transfer applications i.e. TA (IBC)- 16(PB)/2024 and TA (IBC)- 17(PB)/2024 stands allowed. Accordingly, CP (IB) No.108 (MB) of 2022 pending before Bench -IV of NCLT, Mumbai and CP (IB) No.107 (MB) of 2022 pending before Bench -V of NCLT, Mumbai **stand transferred to Bench-II, NCLT, Mumbai to be heard alongwith** Company Petition bearing No. IB-4058/2019.

-Sd/-
(RAMALINGAM SUDHAKAR)
PRESIDENT

12.07.2024
Lalit