

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI COURT III**

Item No. 307
IB-347(ND)/2024

IN THE MATTER OF:

M/s MMR AGRO FOODS PRIVATE LIMITED

.....**APPLICANT/PETITIONER**

Vs

KARNATAKA BANK LIMITED

.....**RESPONDENT**

SECTION

U/s 94 of IBC, 2016

Order delivered on 08.08.2024

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant :

For the Respondent : Mr. Gautam Singhal, Adv for R-1.

HYBRID HEARING (PHYSICAL & VC)
ORDER

This application has been filed by Mr. Manoj Aggarwal, Personal Guarantor of M/s MMR Agro Foods Private Limited, seeking initiation of Insolvency Resolution Process against the Respondents namely Karnataka Bank for the alleged default of Rs. 3,68,00,383/- as on 26.12.2022, M/s. Moneywise Financial Services Private Limited for the alleged default of Rs. 8,13,308/- as on 14.12.2022 and Unity Small Finance Private Limited for the alleged default of Rs. 17,79,354/- as on 14.11.2022.

Mr. Gautam Singhal, Learned Counsel, during the course of the arguments submitted that the same Personal Guarantor had earlier filed IB-364/2023, through the same Counsel, Mr. Narendra Singh, with respect to the same subject matter which was dismissed for non-prosecution on 10.01.2024. He, therefore, submitted that the present application is not maintainable.

We find that the Applicant has failed to disclose the above facts in the present application and filed second application under Section 94 of IBC, arising out of the same subject matter and transaction, which according to our considered view, the amounts grows abuse of process of law. We therefore, issue show-cause notice to the Applicant, Mr. Narendra Singh, Learned Counsel who has filed the present application and Vakalatnama and Mr. Rakesh Jindal, Chartered Accountant, who has appeared today, and directed them to file an affidavit explaining the conduct within ten days.

List the matter on **04.09.2024**.

Sd/-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)