

**NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH**
(through web-based video conferencing platform)

Item No. 05

IA No. 327/JPR/2024

IA No. 341/JPR/2024

IA No. 343/JPR/2024

CP No. (IB)- 19/95(1)/JPR/2021

Under Section 95(1) of IBC, 2016

In the matter of:

State Bank of India

... Applicant/Creditor

Versus

Hemant Bohra

... Guarantor/Respondent

Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER

HON'BLE MR. RAJEEV MEHROTRA, TECHNICAL MEMBER

Present Through Video Conferencing: -

For the Applicant : Akarsh Mathur, Adv.
Tej Pratap Singh, Adv.

For the Respondent : Ravi lochan, Adv.
Abhishek Devgan, Adv.
Prateek Kedawat, Adv.
Mohd. Bilal, Adv.

ORDER

IA No. 327/JPR/2024

Heard Mr. Akarsh Mathur, Adv. appearing on behalf of the Applicant. Mr. Abhishek Devgan, Adv. appearing on behalf of Respondent No. 1. Mr. Ravi lochan, Adv. appearing on behalf of Respondent Nos. 2 & 3. It is submitted by learned counsel for the RP that the claim filed by the Applicant has been considered by the RP, though, no voting right was given to the Applicant. Learned counsel for the Respondent does not want to file any reply to this Application. The admitted amount of claim is Rs. 3,83,42,308/-. It is also submitted by the

learned counsel for the RP that security interest of the Applicant shall not be relinquished. It is submitted by learned counsel for the Applicant that the major relief sought by him has been accepted by the learned counsel for the RP. He does not want to pursue this application. **IA No. 327/JPR/2024** stands disposed of accordingly.

IA No. 341/JPR/2024

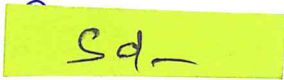
Heard Mr. Ravi Lochan, Adv. appearing on behalf of the Applicant. Mr. Abhishek Devgan, Adv. appearing on behalf of the Respondent Nos. 1 & 2. There is no representation on behalf of Respondent No. 3. Learned counsel for the Applicant will file the affidavit with regard to proof of service within 7 days. List the IA on 05.08.2024.

IA No. 343/JPR/2024

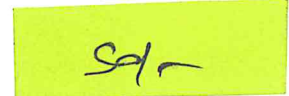
Heard Mr. Ravi Lochan, Adv. appearing on behalf of the Applicant. Mr. Prateek Kedawat, Adv. along with Mr. Mohd. Bilal, Adv. appearing on behalf of the Respondent. Mr. Abhishek Devgan, Adv. appearing on behalf of the RP. An advance copy of the application has been furnished to him. He raises some objections with regard to maintainability of the application submitting that Section 60(5) of IBC, 2016 is not applicable in this matter. In this regard, learned counsel for the Respondent is directed to file a composite reply taking preliminary objections in the reply. Learned counsel for the Applicant will file the affidavit of service with regard to Respondent No. 2 & 3 within 7 days. A compilation of case law has been filed on behalf of the Applicant is taken on record. Copy of the

compilation of case law be furnished to the learned counsel for the Respondent. Reply, if any, may be filed within 2 weeks with an advance copy to the opposite counsel. List the IA on 05.08.2024.

List the matter on 05.08.2024.



(Rajeev Mehrotra)
Technical Member



(Deep Chandra Joshi)
Judicial Member

July 02, 2024