

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

**Item No. 06  
IA No. 157/JPR/2024  
CP No. (IB)- 66/95(1)/JPR/2023  
Under Section 95(1) of IBC, 2016**

**In the matter of:**

**Indian Bank**

**... Applicant/Creditor**

**Versus**

**Kamlesh Devi Aggarwal**

**...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 : Amod K. Dalela, Adv.  
For the Respondent : Vartika Mehra, Adv.

**ORDER**

Heard Mr. Amod K. Dalela, Adv. appearing on behalf of the Applicant.  
Ms. Vartika Mehra, Adv. appearing on behalf of Mr. Sandeep Pathak, Adv. for  
the Respondent.

**IA No. 157/JPR/2024**

This application has been filed on behalf of the Respondent seeking dismissal of the application under Section 95 (1) filed by the Applicant against the Respondent. It is stated in the application that State Bank of India has already initiated Section 95 application of IBC against Kamlesh Devi Aggarwal (PG to CD). Copy of the order dated 16.08.2021 and 10.01.2024 has been attached with the application. It is stated by learned counsel for the Respondent that in view of

Sd/-

Sd/-

the pending application under Section 95 of the IBC filed by the SBI, interim moratorium commences and applicant cannot file a fresh application against the same personal guarantor. Mr. Amod K. Dalela, Adv. appearing on behalf of the Applicant seeks to file response to this application.

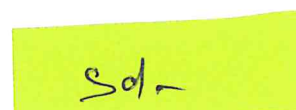
In order sheet dated 10.01.2024 of the NCLT, New Delhi, Principal Bench, in the matter of State Bank of India Vs. Kamlesh Devi Aggarwal, C.P. (IB) 416(PB)/2021, learned counsel for the State Bank of India Ms. Yashika Sharma has stated that there is a stay in this matter by the Hon'ble Punjab and Haryana High Court which is still continuing. Learned counsel for the Respondent Ms. Vartika Mehra is directed to furnish the record of the pending matter before Punjab and Haryana High Court in which stay has been granted by Hon'ble Punjab and Haryana High Court within 3 days.

Amended memo of parties has been filed vide Diary No. 1441/2024 dated 04.06.2024. Copy of the same has been furnished to the opposite counsel. Reply to the IA No. 157/JPR/2024, if any, may be filed within 7 days with an advance copy to the opposite counsel. List the IA on 10.07.2024.

List the matter on 10.07.2024.



(Rajeev Mehrotra)  
Technical Member



(Deep Chandra Joshi)  
Judicial Member

July 01, 2024