

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. II
KOLKATA**

I.A. (IB) No. 878/KB/2023 arising out of C.P. (IB) No. 130/KB/2022

A Petition under Section 424 of the Companies Act, 2013.

IN THE MATTER OF:

State Bank of India

... Financial Creditor.

Versus

Shree Mahalaxmi Corporation Pvt. Ltd.

... Corporate Debtor.

And

IN THE MATTER OF:

Gopal Kumar Agarwal

... Petitioner.

Versus

State Bank of India & Ors.

... Accused Persons/ Opposite Parties.

CORAM:

SMT. BIDISHA BANERJEE, HON'BLE MEMBER (JUDICIAL)

SHRI. D. ARVIND, HON'BLE MEMBER (TECHNICAL)

APPEARANCE:

For the Financial Creditor: Mr. Mainak Bose, Adv., Mr. Santosh Kumar Ray, Adv., Ms. Zeba Khan, Adv., Ms. Muskan Saha, Adv.

For the Corporate Debtor: Mr. Joy Saha, Sr. Adv., Ms. Urmila Chakraborty, Adv., Mr. Snehasish Chakraborty, Adv.

ORDER

- 1.** Heard the Learned Counsel/ Learned Senior Counsels for both parties.
- 2.** This is a demurrer petition to C.P. (IB) No. 130/KB/2022, preferred by Gopal Kumar Agarwal, one of the Directors of Corporate Debtor (Shree Mahalaxmi) against the Financial Creditor (SBI) and Ors. seeking the following reliefs:
 - a)** *an order for inquiry be made under Section 7 of IBC;*
 - b)** *an Order for inquiry be conducted under Section 195 of the Cr.P.C. and upon conclusion thereof record a finding to this effect and made a complaint in writing to the Judicial Magistrate in terms of Section 340 of the Cr.P.C. to take cognizance of the alleged offence and to proceed with said complaint.*
- 3.** As the main company petition has been pronounced on 23.02.2024, this demurrer petition is infructuous and accordingly **dismissed**.

**D. Arvind
Member (Technical)**

**Bidisha Banerjee
Member (Judicial)**

This Order is signed on the 23rd Day of July 2024.