

DIVISION BENCH
COURT - I

P-111

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/319(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 01ST JULY 2024

IN THE MATTER OF	TATA CAPITAL FINANCIAL SERVICES LIMITED VS AYAN MALLICK
UNDER SECTION	SECTION 95(1)

Appearances (via video conference/physically)

Mr. Avishek Guha, Adv.] For Tata Capital
Ms. Arunika Dutta, Adv.
Mr. Kaustov De Sarkar, Adv.

ORDER

1. Ld. Counsel for the Tata Capital present.
2. The Financial Creditor has filed the service affidavit in terms of Rule 7(3) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors), Rules 2019.
3. The Financial Creditor has **not** proposed the name of Insolvency Professional for appointment as Resolution Professional. In view of the above, **Mr. Birendra Kumar Tripathi**, having **Registration No.IBBI/IPA-003/IP-N00229/2019-2020/12679, Mob:9433602746 E-mail ID:bkt9000@gmail.com** is hereby appointed as Resolution Professional in exercise of the power conferred under Section 97 of the IBC, 2016. The Resolution Professional is directed to file declaration within seven days from the date of receiving this order to the effect that he fulfils all the requirements for being appointed as Resolution Professional in the matter.

4. The Resolution Professional will be paid a remuneration of **Rs.75,000/- (Rupees Seventy-Five Thousand only)** for the assigned job.
5. Registry is directed to issue notice forthwith to the Resolution Professional by way of speed post and by e-mail and place the tracking information on record.
6. Learned Counsel for the Financial Creditor is hereby directed to serve a copy of this petition along with a copy of this order and the documents on the Resolution Professional forthwith, by all available modes for information and compliance. Proof of service be filed with the Registry of this Tribunal for records.
7. Resolution Professional will file his report in terms of Section 99 of the IBC within a period of ten days thereafter and serve report on the Personal Guarantor, Corporate Debtor as well as Financial Creditor. The report will be filed in the following format:

	Report under Section 99 of the IBC	
1.	Particulars of Applicant /Financial Creditor	
2.	Particulars of Corporate Debtor under CIRP	
3.	Date of Commencement of CIRP of Corporate Debtor	
4.	Details of personal guarantee given to Applicant by Personal Guarantor	
5.	Date of invocation of personal guarantee by Financial Creditor	
6.	Date of filing Petition under section 94/95 of IBC	
7.	Amount in default by Corporate Debtor to the Applicant at the time of commencement of CIRP	
8.	Amount provided in the resolution plan, if any, against the claim of the applicant.	
9.	Balance due from personal guarantor	
10.	Net worth of personal guarantor as on date of the report	
11.	Copies of past 5 years balance sheet and Income Tax Return of personal guarantor	
12.	Details of actions taken by Applicant or any other Financial Creditor against Personal Guarantor under any other Act in respect of debt owed by Corporate	

	Debtor.	
13.	Recommendation (Admit/Reject)	

8. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their learned Counsels for information and for taking necessary steps.
9. Resolution Professional will file a report within ten days and serve a copy of the report to the Personal Guarantor and the Corporate Debtor.
10. The Personal Guarantor upon receipt of the report will raise objection, if any, within a period of one week thereafter.
11. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.
12. List this matter for consideration on **13.08.2024** on the basis of report of Resolution Professional and objection, if any.

Balraj Joshi
Member (Technical)

Bidisha Banerjee
Member (Judicial)