

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT - 1**

ITEM No.219 – IA/910(AHM)2024  
In  
C.P.(IB)/243(AHM)2021

**Proceedings under Section 95 IBC**

**IN THE MATTER OF:**

State Bank of India  
V/s  
Rohit S Sharma

.....Applicant

.....Respondent

**Order delivered on: 02/07/2024**

**Coram:**

Mr. Shammi Khan, Hon'ble Member(J)  
Mr. Sameer Kakar, Hon'ble Member(T)

**PRESENT:**

For the Applicant/RP :Ms. Aditi Sharma, Proxy Advocate for Mr. Atul Sharma,  
Advocate

For the Respondent :

**ORDER**  
**(Hybrid Mode)**

Learned proxy counsel, Ms. Aditi Sharma appears for the applicant/RP and filed purshis along with the Xerox copy of the Vakalatnama given in favour of the learned counsel, Mr. Atul Sharma by the RP. She undertakes to file the original copy of the Vakalatnama also.

This is an application filed under Sections 106 & 112 of IBC, 2016 r. w. Reg. 20 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 with the following prayers:-

- a) *To take on record of Report of Resolution Professional stating that 'No Repayment Plan' has been received by the RP from Debtor/Personal Guarantor. (Sec. 106 of IBC 2016)*
- b) *To pass an appropriate order u/s. 114 in absence of any Repayment Plan filed by the Personal Guarantor.*
- c) *To allow the Debtor and Creditors to entitle to make an application for Bankruptcy under Chapter IV of IBC Code, 2016.*
- d) *To discharge Resolution Professional from his duties under Chapter III of IBC Code, 2016.*

*e) Such other consequential, supplementary and incidental relief or direction as this Hon'ble Tribunal may deem fit and necessary to meet the ends of justice.*

Let notices be issued to the Respondent/Personal Guarantor as well as Financial Creditor returnable on next date. The applicant is directed to collect the notices from the Registry within three days and serve upon the Respondent/Personal Guarantor as well as Financial Creditor along with copy of this order through Registered Ad Post / Speed-Post, Dasti mode as well as registered email ID of the Respondent/Personal Guarantor as well as Financial Creditor registered with the MCA within seven days.

The Respondent/Personal Guarantor as well as Financial Creditor are directed to file reply, if any, within a week from the date of receipt of notice. Rejoinder, if any, be filed within seven days thereafter.

Proof of service be filed by way of an affidavit before the next date of hearing.

Re-list for further consideration on 29.07.2024.

Sd/-

**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

Sd/-

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**