

NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

117. IA/2188/2024 C.P. (IB)/94(MB)2023

**IN THE MATTER OF**

Bank of Maharashtra

... Petitioner

Vs

Ramchandra Sattu Kamle

... Respondent

U/s 95(1) of the Insolvency and Bankruptcy Code, 2016

**Order Delivered on 09.05.2024**

CORAM:

MS. REETA KOHLI,  
MEMBER (J)

MS. MADHU SINHA,  
MEMBER (T)

**Appearance through VC/Physical/Hybrid Mode:**

For the Petitioner: Adv. Amit Tungare (PH)

For the Respondent:

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**ORDER**

**IA 2188 of 2024**- The prayer in the Application is for initiating appropriate action against the Respondent i.e. the Original Petitioner in respect of the outstanding debt against the Applicant after filing the CP 94 of 2023. The case of the Applicant is that once the CP 94 of 2023 was filed interim moratorium had set in. Thus, the Respondent Bank who is the Original Petitioner in CP 94 of 2023 could not initiate or proceed with any action against the Applicant. The Ld. Counsel has further submitted that after filing of the present petition on 06.12.2022, the Respondent Bank has obtained an order dated 13.06.2023 from the Ld. Court of Chief Judicial Magistrate, Nagpur taking over possession of the Applicant's property situated at Nagpur and also the property of the Applicant at Kolhapur has also been taken over by the Respondent Bank vide order dated 16.03.2023. The case of the Applicant is that once the moratorium has set in, the Respondent Bank had no right or authority under law to initiate any proceedings against the Applicant. In view of the submissions of the Ld. Counsel and

after having gone through Section 96, we deem it appropriate to call upon the Respondent to file the reply.

Notice of Motion- Registry as well as Applicant are directed to issue notice to the Respondents. The Applicant shall file service affidavit along with copy of notice sent to the Respondents, original postal receipt, track report/acknowledgments, emails etc, at least two days before the next date of hearing.

Registry is also directed to submit service report along with copy of notice sent to the Respondents, postal receipt, track report/acknowledgment.

Upon service to the Respondents are directed to file the reply before the next date of hearing, by serving an advance copy to the Counsel for the Applicant. Adjourned to **25.06.2024.**

Sd/-  
MADHU SINHA  
Member(Technical)

Sd/-  
REETA KOHLI  
Member(Judicial)

/Ziyaul/