

IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH (COURT – II)
(Through Hybrid Mode)

Item No. 110
CP(IB) No.259/Chd/Hry/2022

IN THE MATTER OF:

**Manu Indrayan, PG, Indian Clothing
League Pvt. Ltd.** ...

Petitioner

Under Section: 94, IBC 2016

Order delivered on 15.02.2024

CORAM:

**SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)**

**SHRI. HARNAM SINGH THAKUR,
HON'BLE MEMBER (J)**

PRESENT:

For the Petitioner : Mr. Vaibhav Sharma with Mr. Pulkit Goyal and
Mr. Arpit Chawla, Advocates.

ORDER

This application has been filed by Mr. Manu Indrayan, Personal Guarantor under Section 94. The Ld. Counsel appearing for the Financial Creditor-Punjab National Bank and Indian Bank submit that they have already filed another CP(IB) No. 157/Chd/Hry/2023, which is listed today in the Cause List at Serial No.113. In that case, the RP has already been appointed and he has submitted his report. At this stage, Mr. Vaibhav Sharma, Advocate, appearing for the Personal Guarantor submits that they have already filed an application IA No.2726/2023 for dismissal of that application on the ground that the Bank have not filed the CP(IB) No. 157/Chd/Hry/2023 as the interim moratorium in respect of the Personal Guarantor had already commenced because of the filing of the CP(IB) No.259/Chd/Hry/2022 by the Personal Guarantor under Section 94. He relied upon the judgment of ***'Mr. Bhavesh Gandhi versus Central Bank of India'*** decided by the Hon'ble NCLAT in *Company Appeal No.923/2022* dated

07.05.2023. The Ld. counsel for the Banks submits that facts in this case are slightly different then the judgment of Bhavesh Gandhi (supra) and he want to file the relevant judgments on the issue. The same be filed at least one week before the next date of hearing. List on 11.03.2024.

Sd/-
(L. N. GUPTA)
HON'BLE MEMBER (T)

Sd/-
(HARNAM SINGH THAKUR)
HON'BLE MEMBER (J)