

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, NEW DELHI BENCH**

**CP IB NO. 88/ND/2024**

*An application under Section 94(1) of the Insolvency and Bankruptcy Code, 2016*

**IN THE MATTER OF:**

**MRS. UMA SINGH**  
Villa 476, Eldeco City,  
IIM Road, Lucknow,  
Uttar Pradesh-226013

Through

**MR. SANDEEP KUMAR AGRAWAL**  
Resolution Professional  
523, Pocket-E, Mayur Vihar,  
Phase-2, New Delhi-110091

**...Personal Guarantor/Applicant**

**Order Delivered on: 18.04.2024**

**CORAM:**

**SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)**  
**DR. SANJEEV RANJAN, HON'BLE MEMBER (TECHNICAL)**

**Appearances (through Video Conferencing/Physical Hearing)**

<b>For the Applicant</b>	:	
<b>For the Respondent</b>	:	Mr. Aditya Dewan, Adv.
<b>For Consortium of Lenders</b>	:	Mr. Ankur Mittal, Mr. Ateendra Singh, Ms. Yashika Lenders Sharma, Adv.

**ORDER**

**PER: MAHENDRA KHANDELWAL, MEMBER (JUDICIAL)**

1. The present Petition CP (IB) No. 88/ND/2024 is filed under section 94(1) of the Insolvency and Bankruptcy Code, 2016 (**'Code'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency

Resolution process for Personal Guarantors to Corporate Debtor) Rules, 2019 (***Personal Guarantors Rules***) and regulation 4(2) of IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 (***Personal Guarantors Regulations***) filed by Mrs. Uma Singh, Personal Guarantor of M/s AG Aerovision Electronics Private Limited, M/s Amargun Overseas Private Limited and M/s SMS Paryavaran Limited (Corporate Debtors) for initiating the Insolvency Resolution Process (***IR Process***).

2. The Applicant has filed the present petition seeking insolvency resolution process against itself.
3. This Tribunal vide order dated 19.03.2024 had directed the Applicant to explain whether the service has been made to Financial Creditors and the Corporate Debtors for whom the Guarantor is a personal Guarantor in terms of Rule 6(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019. In Compliance of the same, the Applicant has shown during the course of the proceedings an E-mail through which the service was made to Financial Creditor and the Corporate debtor in compliance of Rule 6(2) of the Personal Guarantors Rules.
4. The Applicant has proposed the name of Mr. Sandeep Kumar Agrawal, Email – ipsandeepagrawal@gmail.com, Reg. No: IBBI/IPA-001/P-P01135/2018-2019/11828, to act as the Resolution Professional in the matter. The Applicant has filed Authorization for Assignment of the Resolution Professional. Authorization for Assignment is valid till 07.12.2024.
5. The Hon'ble Supreme Court of India in the matter of **Dilip B Jiwrajka Vs. Union of India & Ors.** in Writ Petition (Civil) No. 1281 of 2021 while considering the constitutional validity of Sections 95-100 of the Insolvency and Bankruptcy Code, 2016 in their judgment have concluded that no judicial adjudication is involved at the stages envisaged in Sections 95-99 of the IBC. The Hon'ble Supreme Court of India has further concluded that no hearing is required by the Adjudicating Authority at the stage when it appoints a Resolution Professional u/s 97(5) of IBC.

6. This Adjudicating Authority hereby appoints Mr. Sandeep Kumar Agrawal as the Resolution Professional in the matter. The Resolution Professional is to file the Assignment Declaration within 7 (seven) days from today with the Registry.
7. The Resolution Professional is directed to file his report in terms of Section 99 of the Code and the relevant Regulations within the stipulated timeline.
8. A copy of the Report by the resolution professional under Section 99 to be filed and shall be forthwith provided to the Personal Guarantor and Financial Creditors of the Petitioner.
9. A copy of this order shall be forwarded to Resolution Professional, Applicant, Corporate Debtors and the IBBI.
10. List the matter on 30.05.2024 for the perusal of the Report of the RP and further proceedings.

**Sd/-**  
**(DR. SANJEEV RANJAN)**  
**MEMBER (TECHNICAL)**

**Sd/-**  
**(MAHENDRA KHANDELWAL)**  
**MEMBER(JUDICIAL)**