

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 220
(IB)-532(ND)/2023

IN THE MATTER OF:

Kapil Choudhary

...

Applicant

Under Section: 94(1) of IBC, 2016

Order delivered on 22.04.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Purti Gupta and Adv. Heena George

For the Respondent :

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

A perusal of the order reveal that on account of clerical error some wrong order is pasted/typed in the present case. In the wake, the incorrect order is directed to be deleted from the record and the following order should be treated as order dated 13.03.2024:

“The Applicant herein viz Kapil Choudhary, has moved the present application u/s 94(1) of IBC, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 with a prayer to initiate IR process and to pass consequent order.

The Ld. Counsel could draw our attention to the proof of service of copy of application in advance to every Financial Creditor and Corporate Debtor for whom the guarantor is Personal Guarantor. We have also perused the Judgment of Hon'ble Supreme Court of India delivered in a Batch of 384 petitions including WP (Civil Appeal 1281/2021 Dilip B Jiwarajka vs. Union of India & Ors. filed under Article 32 of the Constitution of India, on 09.11.2023. As per provision of the Law, on filing of this application, the interim moratorium as stipulated under Section 96(1)(a) of IBC, has already commenced qua all debts of the Personal Guarantor.

As proposed by the Applicant this Bench appoints Mr Yogender Pal Singhal (Email ID ipyogendersinghal@gmail.com) as Resolution Professional, whose details are given below:

IBBI	:	IBBI/IPA-001/IP-
Registration No.	:	P00492/2017-2018/10880
E-mail Address	:	ipyogendersinghal@gmail.com
Contact Number	:	9810784484

The Resolution Professional so appointed shall perform all the functions as stipulated under Section 99 of IBC, 2016 read with Rules made thereunder. **He shall also examine the application and make recommendations with reasons in writing for acceptance or rejection of the present application within the time stipulated under Section 99 of IBC, 2016.**

The Resolution Professional shall give a copy of its Report to the Applicant as well as the Creditors of the Applicant as soon as the same is filed before this Authority.

The Applicant and his counsel are directed to make available the copy of this order along with copy of the application and documents immediately to Mr Yogender Pal Singhal Resolution Professional by all modes for information and necessary compliance.

The Court Officer is also directed to inform the RP by E-mail.”

List the matter on 02.05.2024.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)