

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI, BENCH VI**

**C.P (IB) No.679/ND/2023**

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

**IN THE MATTER OF:**

**Mr. ADITYA GUPTA**

**House No. 779, Sector 91,**

**Mohali, S.A.S. Nagar 160071**

**[Personal Guarantor of M/s North Indian Foods Private Limited]**

**...Applicant**

**Date of pronouncement: 24.04.2024**

**Coram:**

**Shri Mahendra Khandelwal**

**: Member (Judicial)**

**Shri Rahul Bhatnagar**

**: Member (Technical)**

**Appearances (through Video Conferencing/physical hearing)**

**For the Petitioner/Applicant** : Adv. Vishisht

**For Bank of Baroda** : Adv. Ashish Verma and Adv. Salonee Keshwani

**ORDER**

**Per: Rahul Bhatnagar, Member (Technical)**

1. The present Petition **CP (IB) No. 679/ND/2023** 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**) by Mr. ADITYA GUPTA, Personal Guarantor of M/s North Indian Foods Private Limited (Corporate Debtor) for initiating the Insolvency Resolution Process (**IR Process**).

2. The Applicant has filed the present petition seeking insolvency resolution process against himself. The petitioner contended that a copy of the application has already been served to the Financial Creditor and the Corporate Debtor (Principal Borrower) for whom the Guarantor is a Personal Guarantor in accordance with Rule 6(2) of the Personal Guarantors Rules.
3. 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 judgement 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.
4. The applicant has proposed the name Mr. Ashok Malik, Resolution Professional to act as Resolution Professional. Accordingly, we appoint Shri. Ashok Malik as Resolution Professional [IBBI/IPA-001/IP-P-01913/2019-2020/12957]. The contact details of the RP are [malikandmalikadvocates@gmail.com](mailto:malikandmalikadvocates@gmail.com) and Mobile No. 9815199011. The RP has valid AFA upto 23/04/2024.
5. This Adjudicating Authority hereby appoints Shri. Ashok Malik 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. Further, the RP is directed to file a valid AFA within 2 weeks from the date of pronouncement of this order.

6. The Registry is directed to intimate the above-mentioned Insolvency Resolution Professional regarding their appointment immediately after pronouncement of this order. IRP is directed to file declaration disclosure statement within 2 days thereafter.
7. The Resolution Professional is directed to file his report in terms of Section 99 the Code and the relevant Regulations within the stipulated time period. A copy of the Report by the resolution professional under Section 99 so filed shall be forthwith provided to the Personal Guarantor and Financial Creditors of the Petitioner.
8. List the matter on 11/06/2024 for the perusal of the Report of the RP and further proceedings.

-SD/-

***Rahul Bhatnagar***  
**Member (Technical)**

-SD/-

***Mahendra Khandelwal***  
**Member (Judicial)**