

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - I

ITEM No.3
CP(IB)/79(AHM)2024

Proceedings under Section 94 IBC

IN THE MATTER OF:

Mohan Sajandas Chawla

.....Applicant

Vs

PUNJAB NATIONAL BANK

.....Respondent

Order delivered on 16/02/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon,ble Member(T)

PRESENT:

For the Applicant

:Ms. Yashree Kaushalkumar Dixit, PCS a. w. Ms. Noopur Dalal, Adv.

For the PNB

:Mr. Jaimin R Dave, Adv.

ORDER

This is an application filed under Section 94 of the IB Code, 2016 seeking by the Applicant/personal guarantor for initiation of Insolvency Resolution Process. On perusal of the application, it is seen that there is no declaration in terms of Section 94 (4) & (5) of the IBC, 2016.

Further, it has been apprised by the learned counsel for the Respondent/PNB Bank that in the past, two petitions were filed by the same Applicant Guarantor on two different dates. First was filed on 20.01.2023 bearing e-filing no. 2401105001742023 which was declined to be registered on 18.09.2023 and second was filed on 27.10.2023 bearing e-filing no. 2401105019462023 and was declined to be registered on 07.12.2023 by the Joint Registrar of this Tribunal in terms of Rule 28 of the NCLT Rules, 2016.

The memorandum of appearance filed along with this application is by one Ms. Yashree Kaushalkumar Dixit, the same is not properly stamped.

In view of the above, **CP(IB)/79(AHM)2024** is incomplete and defective. Hence, this petition stands dismissed.

A copy of this order be sent by the Applicant to the Financial Creditor by RPAD / Speed Post within 7 days from the date of this order.

-Sd-

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

SHAMMI KHAN
MEMBER (JUDICIAL)