

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

ITEM No.102- CP(IB)/124(AHM)2022  
With  
ITEM No. 103- IA/513(AHM) 2022  
ITEM No. 104- IA/1426(AHM) 2023

**Proceedings under Section 94 IBC**

**IN THE MATTER OF:**

Uma Rakeshkumar Shah  
(Personal Gaurantor)

.....Applicant

.....Respondent

**Order delivered on 13/02/2024**

**Coram:**

**Mr. Shammi Khan, Hon'ble Member(J)**  
**Mr. Sameer Kakar, Hon,ble Member(T)**

**PRESENT:**

For the Applicant : Mr. Kuldeep Adesara, Adv.  
For the Respondent :

**ORDER**

**IA/1426(AHM) 2023**

This application has been filed by the present applicant / respondent guarantor. Learned Counsel submits that this Interlocutory Application has rendered infructuous.

Accordingly, **IA/1426(AHM) 2023** dismissed as infructuous.

**CP(IB)/124(AHM) 2022 & IA/513(AHM) 2022**

This CP(IB)/124(AHM) 2022 has been received by way of transfer from the Court No.2. However, it is seen that no order under Section 99 of the IBC, 2016 has been passed.

On perusal of the application, it is seen that the applicant / personal guarantor has served the advance copy upon the corporate debtor in terms of Rule 6(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2016.

Further, there is no declaration in terms of Section 94(4) or (50) of the IBC. It is seen that, this application is incomplete being defective.

Accordingly, **CP (IB) 124(AHM) 2022 & IA/513(AHM) 2022** are dismissed as being defective, with liberty to file a fresh application.

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**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

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**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**