

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT - 2

ITEM No.232 - IA/639(AHM)2024
in
C.P. (IB)/100(AHM)2024

Proceedings under Section 95 IBC

IN THE MATTER OF:

Small Industries Development Bank of India
V/s

.....Applicant

Nikhilkumar Hasmukhlal Shah S/o Hasmikhlal Jamnadas
Shah

.....Respondent

Order delivered on: 30/04/2024

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

PRESENT:

For the RP : Mr. Narendra Singh FC
Resolution Professional : Mr. Bhupinder Sethi
For the PG : None

ORDER

IA/639(AHM)2024

Heard Ld. Counsel for Resolution Professional and Resolution Professional in person. None present for the respondent & personal guarantor. The corporate debtor has not been served a copy by the RP. There was delay observed in filing the report by RP. Further, the respondent Personal Guarantor had not responded nor replied to RP when notice was served. The applicant was not able to confirm if the address was correct. The matter against corporate debtor is being proceeded in Court No.1.

The date of invocation of notice is May 26, 2020 and this application has been filed by the applicant on 20 Feb 2024. Further the applicant had also initiated action under Sec 13 of SARFESI Act on July 7, 2017. The application is not filed within time period for reckoning limitation under Sec 238 A of IBC 2016.

In view of the same, the application filed under Sec 95 of IBC and RPs report filed under Sec 99 of IBC is rejected.

-Sd-

-Sd-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

CHITRA HANKARE
MEMBER (JUDICIAL)