

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

COURT – IV

30. IA-931(MB)2024, IA-3303(MB)2023
IN C.P. (IB)/230(MB)2023

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON 03.05.2024

NAME OF THE PARTIES: Srei Equipment Finance Limited
Vs.
Dharmesh Jain

SECTION: 95(1), 60(5) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016. Rule 11 of NCLT, 2016.

ORDER

IA-931(MB)2024

1. Mr. Harshad Vyas a/w Mr. Pawan Kulkarni i/b M/s. AVP Partners, Ld. Counsel for the Financial Creditor present. Mr. Nausher Kohli a/w Mr. Ashok Paranjpe i/b MDP & Partners, Ld. Counsel for the Applicant/Personal Guarantor present.
2. The present application has been filed by the Applicant/Personal Guarantor under Section 60 (5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the NCLT Rules, 2016, *inter alia*, seeking dismissal of the captioned Petition.
3. Ld. Counsel for the Applicant submits that against the same Personal Guarantor another CP is pending and the moratorium has commenced thereby prohibiting any applications against the same Personal Guarantor.
4. Hence, the present C.P.(IB)/230(MB)2023 is not maintainable and **dismissed**. IA-931(MB)2024 is **allowed** and **disposed of**. Once the main

company petition is dismissed, IA-3303(MB)2023 is rendered infructuous and **dismissed**.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)