

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

COURT – IV

18.

C.P.(IB)/174(MB)/2024

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **16.04.2024**

NAME OF THE PARTIES:

Central Bank of India Limited

Vs

Sanjiv P. Mehta

SECTION: 95(1) OF INSOLVENCY AND BANKRUPTCY CODE, 2016.

ORDER

1. Nivati Merchant i/b MDP & Partners, Ld. Counsel for the Financial Creditor present. Adv. J. D'Souza, Ld. Counsel for the Personal Guarantor present.
2. This is a Company Petition filed on 18.01.2024 by **Central Bank of India Limited** ("the Financial Creditor"), under Section 95 of the Insolvency & Bankruptcy Code, 2016 (**IBC**) read with Rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 seeking to initiate Personal Insolvency Resolution Process against **Sanjiv P. Mehta** ("the Personal Guarantor").
3. The Financial Creditor served the Demand Notice and Company Petition upon the Personal Guarantor and filed proof of service. Also, served Notice upon the Personal Guarantor.

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4. This Company Petition filed by the Financial Creditor is for claiming total outstanding of Rs.161,78,74,712.95 (Rupees One Hundred and Sixty One crore Seventy eight lakh Seventy four thousand Seven hundred Twelve and Paise Ninety five only).
5. The Petition for initiating Insolvency Resolution Process against Personal Guarantor of the Corporate Debtor is complete in all respect. Therefore, this Bench is of the opinion that Resolution Professional is to be appointed in this case and accordingly;
6. This Bench appoints Mr. Gaurang Chhotalal Shah, Insolvency Resolution Professional having Registration No. IBBI/IPA-002/IP-N00947/2019-2020/13002; (e-mail: fcsgaurang.shah@gmail.com, mob.: 9324110013) as the Resolution Professional (RP) in the matter. The fee payable to Resolution Professional (RP) shall be in accordance with the Insolvency and Bankruptcy Board of India (IBBI) Regulations/Circulars/ Directions issued in this regard.
7. The Resolution Professional shall examine the Application within 10 days from the date of his appointment and submit its report to the Adjudicating Authority recommending for approval or rejection of the Application as referred under section 99(1) of the Code. A copy of the report also will serve upon the Personal Guarantor.
8. This Bench also directs for an advance payment of Rs.2,00,000/- (Rupees two lakh only) to be paid by the Financial Creditor to the Resolution Professional (RP) immediately to initiate the process which shall be

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adjusted towards the fee and expenses payable to the Resolution Professional (RP).

9. The interim-moratorium under Section 96(1) (a) of the Insolvency and Bankruptcy Code, 2016 has commenced on the date of filing of this application by the Financial Creditor and will cease to have effect on the date of admission.
10. During such interim-moratorium period -
 - i) any legal action or proceeding pending in respect of any debt shall be deemed to have been stayed; and
 - ii) the creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt.
11. List this matter on **05.06.2024**.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)