

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH**

**COURT – IV**

30.

C.P. (IB)/674(MB)2022

CORAM:

SHRI PRABHAT KUMAR  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON 02.03.2023

NAME OF THE PARTIES: Ahmednagar Merchant Cooperative Bank  
Vs  
Santosh Hiralal Sharma

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

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**ORDER**

The Court is convened through Video Conference.

1. Mr. Anil D'Souza Ld. Counsel for the Respondents present. None for the Petitioner.
2. Counsel for the Respondent submits that the Respondent filed a Writ Petition bearing WP.183/2023 (Santosh Hiralal Sharma) before the Hon'ble Supreme Court challenging the constitutionality of section 95 of the Insolvency and Bankruptcy Code, 2016. The Hon'ble Supreme Court has tagged this Writ Petition with the batch of petitions filed for same cause of action wherein the Hon'ble Supreme Court has granted stay in the Writ Petition on 18.07.2022 directing the RP to not to file report u/s 99(1) of the Code and Adjudicating Authority will not pass any order, if report has already been filed. In view of the above, the C.P.(IB)/674(MB)2022 is adjourned *sine-die*.

Sd/-  
**PRABHAT KUMAR**  
Member (Technical)

Sd/-  
**KISHORE VEMULAPALLI**  
Member (Judicial)