

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

COURT – IV

27.

C.P. (IB)/798(MB)2021

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:

State Bank Of India

Vs

Mr. Harish Kumar Mittal

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

ORDER

The Court is convened through Video Conference.

1. Mr. Deep Roy and Ms. Dhaval Savla, Ld. Counsel for the Financial Creditor present. Ms. Manaswi Agrawal a/w Mr. Mahesh Dube i/b Meraki Chambers, Ld. Counsel for the Personal Guarantor/Respondent present.
2. Counsel for the Personal Guarantor submits that they have filed Writ Petition having WP (SLP No.236/2023) 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, this matter adjourned *sine-die*.

Sd/-
PRABHAT KUMAR
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)