

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

COURT – IV

26.

C.P. (IB)/876(MB)2021

CORAM:

SHRI MANOJ KUMAR DUBEY
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON 26.09.2022

NAME OF THE PARTIES: State Bank of India (Creditor) Through The
Resolution Professional Mr. Surya Pratap Gupta
Vs.
Mr. Viraj Chetan Shah

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

ORDER

The Court is convened through Video Conference.

1. Mr. Ayush Rajani a/w Ms. Mitali Bhatt i/b AKR advisors, Ld. Authorized Representative for the Petitioner present. No representation on the part of the Respondent/Personal Guarantor.
2. This is a Company Petition filed by the State Bank of India, (“Financial Creditor”) through Resolution Professional, Mr. Surya Pratap Gupta, under Section 95 of the Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantor to Corporate Debtors) Rules, 2019 seeking to initiate Personal Insolvency Resolution Process against Mr. Viraj Chetan Shah (“the Personal Guarantor”).

3. Ld. Counsel for the Petitioner/Financial Creditor submits that the copy of Demand Notice dated 06.08.2021 was successfully delivered to the Personal Guarantor of the Corporate Debtor on 12.08.2021. Ld. Counsel for the Petitioner/Financial Creditor further submits that the copy of the Petition as well as Court Notice was also successfully delivered on 14.09.2021 & 22.10.2021 respectively on the their last known correct address. Thus, the requirement u/s 95 of the Code is completed.
4. Ld. Counsel for the Petitioner submits M/s P & S Jewellery Limited, the Corporate Debtor is into Liquidation vide order dated 30.07.2018.
5. The Petition for initiating Insolvency Resolution Process against Personal Guarantor to the Corporate Debtor is complete in all respect.
6. This bench appoints Mr. Surya Pratap Gupta, Insolvency Resolution Professional having Registration No. IBBI/IPA-001/IP-P01060/2017-2018/11753; 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.
8. This Bench also directs for an advance payment of Rs.2,00,000/- (Rupees two lakhs only) to be paid by the Financial Creditor to the Resolution Professional (RP) immediately to initiate the process which shall be

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 -
 - a. any legal action or proceeding pending in respect of any debt shall be deemed to have been stayed; and
 - b. the creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt.
11. List this matter for hearing on **12.12.2022**.

Sd/-
MANOJ KUMAR DUBEY
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)