

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

220. IA/47/2022 IA/2892/2022 C.P. (IB)/1149(MB)2021

CORAM:

MS. REETA KOHLI,
MEMBER (J)

MS. MADHU SINHA,
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON **08.09.2023**.

NAME OF THE PARTIES: State Bank of India
VS

Mr. Sandeep Parekh

SECTION : Sec 95(1) of IBC 2016

Presence: Mr. Dhavan Shah, Counsel for the Applicant

Mr. S. R. Counsel for the Respondent

ORDER

I.A. 2892 of 2022

Counsel for the Applicant in I.A. 2892 of 2022 has brought to our attention to the order dated 16.06.2023 of Court – IV wherein the Hon’ble Court has stated as under,

“2. Ld. Counsel for the Personal Guarantor submits that the Resolution Professional has been appointed in the case of Personal Guarantor in Company Petition i.e. CP(IB)/224/2021 filed by the Central Bank of India against the same Personal Guarantor by the Court-III.

3. This Bench finds that section 96(1)(b)(2i) of the IBC, bars the other Creditors of the Guarantor from taking any initial legal action or proceedings in respect of any debt till the interim moratorium period is in operation. In view thereof, this Company Petition i.e. C.P. (IB)/1150(MB)2021 is dismissed as infructuous.”

Thus, in view of the above stated, the Present I.A. is allowed and the C.P. (IB)/1149(MB)2021 is dismissed.

I.A. 47 of 2022

The counsel for the Applicant fairly submits that the I.A. shall be dismissed. Accordingly, the I.A. is disposed of as such.

Revive the same if the circumstances warrant the same.

Sd/-
MADHU SINHA
Member(Technical)

/P/

Sd/-
REETA KOHLI
Member(Judicial)