

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 30

C.P.(IB)983/MB/2023

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **22.04.2024**

NAME OF THE PARTIES: **SMALL INDUSTRIES DEVELOPMENT**
 BANK OF INDIA V/s HARSHAD HIRJI
 THAKKAR

Section 95(1) of the Insolvency and Bankruptcy Code, 2016

ORDER

C.P.(IB)983/MB/2023

- 1) Mr. Narendra Singh, Ld. Counsel for the Financial Creditor is present. None present for the Respondent/Personal Guarantor, when the matter is called out.
- 2) Ld. Counsel for the Financial Creditor submits that service of Notice through Affixation on the conspicuous part of the property of the Personal Guarantor could not be carried out in view of obstructions created by the Inhabitant/Neighboring Persons who are residing there did not allow the Affixture.
- 3) In that view of the matter, Financial Creditor seeks leave of this Bench to serve Notice upon the Respondent/Personal Guarantor by way of paper publication. Leave as prayed is allowed.

- 4) Accordingly, Financial Creditor is hereby directed to serve Notice upon the Respondent/Personal Guarantor by way of paper publication in two Newspapers, **(i.e. one in English Language, and another in Local Vernacular Language)**, clearly intimating the next date of hearing and to place on record Affidavit enclosing therewith proof of publication of Notice in Newspapers, proof of service of Notice and the Copies of the Newspaper cuttings well before the adjourned date.
- 5) **Needless to say, Newspapers should have wide circulation in the area where the Respondent/Personal Guarantor is residing.**
- 6) Respondent shall file and place on record their Affidavit in Reply well before the adjourned date by duly serving a copy to the other side well in advance, failing which, this Bench shall proceed further in the matter based on the material available on record and verbal arguments on that date. **This Bench shall pass consequential orders on the next date of hearing, thereby proceeding Respondent/Personal Guarantor *ex parte*.**
- 7) Stand over to 14.05.2024, for further consideration and hearing. No further adjournment will be afforded to either of the Parties for any purpose. This will be treated as last opportunity.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Sd/-

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**