

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

Item No. 63

C.P. (IB)/1196(MB)2023

CORAM:

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

ORDER SHEET OF THE HEARING ON **09.02.2024**

NAME OF THE PARTIES: **THE BANK OF MAHARASHTRA**
LIMITED V/s BIKAS PREMCHAND
MITTAL

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

ORDER

1. Mr. Abhishek Samant, Advocate appeared for the Petitioner.
2. Mr. Gaurang Chotalal Shah, Advocate appeared for the Respondent.
3. Heard the counsel appearing for the Financial Creditor/Petitioner.
4. The above company petition is filed by **THE BANK OF MAHARASHTRA LIMITED** for initiation of Insolvency Resolution Process against Respondent, **BIKAS PREMCHAND MITTAL** who is personal guarantor of the corporate debtor.
5. Learned counsel appearing for the Financial Creditor invited the attention of this bench to the demand notice dated 02.12.2022 invoking the guarantee against the respondent and also invited the attention of this bench to the proof

of the demand notice. The Financial Creditor also invited the attention to the deed of guarantee dated 06.04.2015 being the guarantee for all facilities was executed by the personal guarantor in favour of the applicant bank.

6. In view of the default of the Corporate Debtor, the Petitioner invoked Personal Guarantee of the Personal Guarantor and issued an Invocation Letter, to pay outstanding dues in respect of the Loan in terms of Agreement dt. 06.04.2015. Petitioner has not suggested any name of the IRP.
7. Having considered the submissions and upon perusing the above documents, this Bench is of the considered view that the present Company Petition is complete in all aspects as required by law and thus hereby appoints Mr. Anil Seetaram Vaidya having IBBI Registration No. IBBI/IPA-002/IP-N00067/2017-18/10145, to act as the Resolution Professional in the matter of **BIKAS PREMCHAND MITTAL**.
8. This Bench also directs for an advance payment to the tune of Rs. 2,00,000/- to be paid by the Financial Creditor to the Resolution Professional immediately to initiate the process which shall be adjusted towards fee and expenses payable to the Resolution Professional.
9. Resolution Professional is directed to examine the Company Petition and file the report within 10 days from the date of receipt of this order.
10. Registry is directed to communicate this order immediately to the Resolution Professional, Mr. Anil Seetaram Vaidya, having address Plot No. 107, S. No. 62/65, Mahatma Society, Bhusari Colony, Kothrud, Pune, Maharashtra

411038, having E-mail address- anilvaidya38@gmail.com and Mobile no.
9850772497.

11. List this matter on **01.03.2024** for submission of the report.

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

Sapna