

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU
[Through Physical hearing/ VC Mode (Hybrid)]

ITEM No.20
C.P.(IB) No.64/BB/2023

IN THE MATTER OF:

M/s. Xander Finance Pvt. Ltd. ... Petitioner
Vs.
Mr. Mathikere Jayaram Shantharam ... Respondent

Order under Section 95 of Insolvency & Bankruptcy Code, 2016

Order delivered on: 15.04.2024

CORAM:

SH. K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner : Shri Dhiraj M.
For the Respondent : Shri Arjun K. Perikal

ORDER

1. Heard the Ld. Counsels for the Petitioner and the Respondent.
2. This is a Company Petition filed by **Xander Finance Pvt. Ltd.** ("the Financial Creditor") U/s. 95 of the I&B Code, 2016 r/w. Rule 7(2) of the I&B (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019, seeking to initiate Insolvency Resolution Process against **Mr. Mathikere Jayaram Shantharam** ("the Personal Guarantor").
3. The learned Counsel for the Petitioner submits that the copy of the Demand Notice dated 02.06.2022 was successfully delivered upon the Personal Guarantor through speed post on 31.12.2022. However, the Personal Guarantor has neither issued a response nor paid the amount due and payable by the Corporate Debtor. Further, a copy of the Petition

was successfully delivered upon the Personal Guarantor on 17.06.2022 through e-mail, and thus the requirement u/s 95 of the Code is completed.

4. Since the Financial Creditor has proposed the name of the Resolution Professional in Part-IV of Form-C, this Bench hereby appoints **Shri Suresh Kannan**, who is registered with IBBI as Insolvency Professional having Regn. No.IBBI/IPA-001/IP-P-01434/2018-2019/12277, Mobile:9845070893 email: sureshkannan10@gmail.com as the Resolution Professional in the present matter. Written consent given by said RP in Form-A dated 10.10.2022 is at Page No.337 of the Petition. The fee payable to RP shall be in accordance with the IBBI Regulations/Circulars/ Directions issued in this regard.
5. The Resolution Professional shall examine the Application within ten days from the date of appointment and submit his report to the Adjudicating Authority recommending for approval or rejection of the Application as referred under Section 99(1) of the Code.
6. The interim-moratorium under Section 96(1)(a) of the I&B 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.
7. During such interim-moratorium period –
 - e. any legal action or proceeding pending in respect of any debt shall be deemed to have been stayed; and
 - f. the creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt.
8. The Resolution Professional is directed to serve a copy of his Report on the Personal Guarantor.
9. List the case on **04.06.2024**.

Sd/-
MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)

Sd/-
K. BISWAL
MEMBER (JUDICIAL)