

IN THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH-IV

CP (IB) No.826/MB-IV/2021

Under Section 95 of the IBC, 2016

Read with

Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtor) Rules, 2019

In the matter of

State Bank Of India

...Applicant/ Financial Creditor

Through,

Mr. Vikash Kumar

... Authorised Representative

v/s.

Sanjeev Arora

...Personal Guarantor/Respondent

M/s Paramount Wheels Private Limited

...Corporate Debtor

Order Delivered on: 15.02.2022

Coram:

Mr. Rajesh Sharma
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Petitioner :

Mr. Haris A Khan i/b
Ajinkya Kurdukar & Co., Advocate.

For the Respondent :

Mr. Vighnesh Iyer i/b
Jaykar & Partners, Advocate.

ORDER

Per: Kishore Vemulapalli Member (Judicial)

1. The Court is convened through video conferencing today.
2. This is a Company Petition filed by **State Bank of India**, (“the Applicant”), under section 95 of the Insolvency & Bankruptcy Code, 2016 (**IBC**) read with Rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 seeking to initiate Personal Insolvency Resolution Process (CIRP) against **Sanjeev Arora** (“the Personal Guarantor”).
3. This Company Petition is filed by the Applicant through Mr. Vikash Kumar, the Authorised Representative claiming total outstanding of Rs.19,67,34,118.81/- (Rupees nineteen crore seventy lakh thirty-four thousand one hundred eighteen and eighty-one paise only)
4. The Learned Counsel for the Applicant submits that the Petition bearing CP (IB) No. 1328/MB/2019 under section 9 of the Code was admitted against the Corporate Debtor on 29.05.2019.
5. Demand Notice dated 20.05.2021 under Rule 7 (1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution of Personal Guarantor to Corporate Debtors) Rules, 2019 was issued to the Personal Guarantor claiming total outstanding of Rs. 19,67,34,118.81/- (Rupees nineteen crore seventy lakh thirty-four thousand one hundred eighteen and eighty-one paise only).
6. The Petition was served upon the Personal Guarantor via Email on 10.08.2021.

ORDER

7. That this bench appoints Mr. Rakesh Maganlal Nathwani, Insolvency Resolution Professional having Registration No:IBBI/IPA-001/IP-P02058/2020-2021/13190 Email-Id rakesh@carmn.in 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.
8. 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.
9. That this Bench also directs for an advance payment of Rs. 2,00,000/- 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).
10. The interim-moratorium under Section 96 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.
11. During such interim-moratorium period-
 - (i) any legal action or proceeding pending in respect of any debt shall be deemed to have been stayed; and
 - (ii) the creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt
12. The registry is directed to immediately communicate this order to the Financial Creditor, Personal Guarantor, Corporate Debtor and Resolution

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Professional even by way of email. Compliance report of the order by designated Registrar is to be submitted today.

Sd/-

Kishore Vemulapalli
Member (Judicial)

Sd/-

Rajesh Sharma
Member (Technical)