

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH

COURT III

34. C.P.(IB)751/MB/2022

CORAM: SHRI H. V. SUBBA RAO, MEMBER (J)
SMT ANURADHA SANJAY BHATIA, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **23.08.2022**

NAME OF THE PARTIES: TATA CAPITAL FINANCIAL SERVICES LIMITED

Vs.

SUNIL SAROJBHAI SHAH

SECTION 95 (1) OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Mr. Akshay Petkar, counsel appearing for the Petitioner is present through virtual hearing. None appeared for the Respondent/personal guarantor.

Counsel appearing for the Petitioner filed service affidavit along with postal receipt, track report in proof of service of notice on the respondent/personal guarantor. Similarly, notice was also sent through registry. Notices sent both sources returned with an endorsement "unclaimed" which is deemed service as per the law.

The above Company Petition is filed by Tata Capital Financial Services Limited, Petitioner for initiation of Insolvency Resolution Process against the Respondent/Personal Guarantor, Mr. Sunil Sarojbhai Shah under Section 95 of the Code.

The learned counsel appearing for the petitioner invited the attention of this Bench to the demand notice dated 18.02.2021 along with track report dated 04.03.2022 under which the demand notice was duly served on the personal guarantor/respondent. The Petitioner also invited the attention of this Tribunal to the deed of Guarantee dated 29.12.2016 executed by Mr. Sunil Sarojbhai Shah, Personal Guarantor of the Corporate Debtor. The Petitioner

also suggested name of Resolution Professional along with his consent letter under Form-A.

After hearing the counsel appearing for the Petitioner and upon perusing the above documents, this Bench appoints Mr. Rajesh Ramnani, having IBBI Registration No. IBBI/IPA-002/IP-N00993/2020-2021/13187, (rajeshramnani2407@gmail.com) having registered office at: D-44, Second Floor, Naraina Vihar, New Delhi-110028 as suggested by the Petitioner in the petition.

Resolution Professional is hereby directed to examine the petition and file his report within 10 days. List this matter on **11.10.2022**.

Registry is directed to communicate this order to the Resolution Professional forthwith.

Sd/-
ANURADHA SANJAY BHATIA
Member (Technical)
/RKS/

Sd/-
H. V. SUBBA RAO
Member (Judicial)