

IN THE NATIONAL COMPANY LAW TRIBUNAL

KOLKATA BENCH

KOLKATA

C.P. (I.B)/84/(KB)/2022

Under section 95(1) of the Insolvency and Bankruptcy Code, 2016 read with rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution process for Personal Guarantors to Corporate Debtor) Rules, 2019

In the matter of;

UCO Bank

...Applicant

-Versus-

Mr. Anjani Kumar Goyal

...Respondent

Order Reserved on: 16/06/2022

Order pronounced on: 27/06/2022

Coram:

Shri Rohit Kapoor

: Member (Judicial)

Shri Harish Chander Suri

: Member (Technical)

Appearances (through video conferencing)

For Financial Creditor

: Mr. Rahul Auddy, Adv.

: Mr. Aditya Gooptu, Adv.

For respondent-personal guarantor

: Mr. Suryaneel Das, Adv.

ORDER

Per: Harish Chander Suri, Member (Technical)

1. The Court convened via video conference.
2. Under consideration is an Application **C.P.(IB)/84/KB/2022** filed by the appellant under section 95(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “**IBC, 2016**”) read with rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtor) Rules, 2019 (hereinafter referred to as “**IB Rules, 2019**”) and regulation 4(2) of IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 (hereinafter referred to as “**IB Regulations, 2019**”) for initiating the Insolvency Resolution Process (hereinafter referred to as “**IR Process**”) against **Mr. Anjani Kumar Goyal**, Personal Guarantor for “**BSPL**” one of the Directors of ‘**Bhuvée Stenovate Private Limited**’ (herein after referred to as ‘**BSPL**’) having **CIN: U27100WB2007PTC120297**, Who is the Personal Guarantor of UCO Bank (hereinafter referred to as the Bank) in relation to the credit facilities extended by the bank in favour of ‘**BSPL**’.
3. Vide Order dated 09/05/2022 passed in CP(IB)/188/KB/2021, this Adjudicating Authority had admitted the petition under section 100 of the Code and moratorium was declared. **Mr. Rajesh Keshri**, Resolution Professional appointed in CP(IB)/188/KB/2021 was directed to cause a public notice published on behalf of the Adjudicating Authority, inviting claims form all creditors, During Moratorium period:-
 - (a) *Any pending legal action or proceeding in respect of any debt of the personal guarantor shall be deemed to have been stayed; and*
 - (b) *The Creditors of the personal guarantor shall not initiate any legal action or proceedings in respect of any debt; and*

In The National Company Law Tribunal

Kolkata Bench, Kolkata

C.P(IB)/84/KB/2022

Uco Bank -vs- Mr. Anjani Kumar Goyal

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- (c) *The personal guarantor shall not transfer, alienate, encumber, or dispose of any of his assets or his legal rights or beneficial interest therein;*
- (d) *The provisions of sub-section (1) shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.*

In view of this, at this stage, present petition cannot be continued against this respondent-personal guarantor. The Financial Creditor in this petition is directed to submit its claim before the Resolution Professional appointed in CP(IB)/188/KB/2021 within 30 days from this order. Therefore, the present petition stand **dismissed** with the above direction.

4. The Registry is hereby directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
5. Certified Copy of this order be issued, if applied for, upon compliance of all requisite formalities.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

Signed this, 27th Day of June, 2022.

Kundan Kr.