

liberty to take recourse accordingly. The copy of order is also annexed with the application. The Ld. Counsel for Applicant further states that thereafter in view of the order passed by the Hon'ble NCLAT dated 24.11.2020 in **State Bank of India v. Athena Energy, Company Appeal (AT) (Ins) No.633 of 2020** where the view taken in the case of **M/s. Piramal (supra)** was deviated from and it was laid down that the order in **M/s. Piramal (supra)** was not upheld and further observed that *"It is clear that in the matter of guarantee, CIRP can proceed against Principal Borrower as well as Guarantor."* Relying on this judgment, the present applicant prays that the main application filed under Section 7 of IBC, 2016 be restored. The copy of order dated 24.11.2020 passed by the Hon'ble NCLAT is annexed.

Considering the documents placed before us along with the orders passed by the Hon'ble NCLAT and submissions made by Ld. counsel for the applicant, we allow the application in terms of prayer 'a' & 'b' thereby restoring IB-1027(PB)/2018 to its original number and further direct that in view of the assignment of the debt in favour of the present applicant through properly stamped deed of assignment, the name of the original applicant, L&T Finance Ltd. be substituted by the name of the present applicant which is Omkara Assets Reconstruction Pvt. Ltd.

IA-4087/2021 is allowed and disposed of.

RA-42/2021 is allowed and disposed of in terms of above order.

Notice be issued to the Corporate Debtor, through all modes.

List the main matter for hearing on 16.03.2022.



(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)



(Dr. DEEPTI MUKESH)
MEMBER (JUDICIAL)