

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

ITEM No229
CP(IB)/192(AHM)2021

Order under Section 95 IBC

IN THE MATTER OF:

Central Bank of India

.....Applicant

V/s

Avinash Prakashchandra Bhandari
(Personal Guarantor)

.....Respondent

Order delivered on ..13/05/2022

Coram:

Dr.Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Manish Bhatt, Sr. Adv. a.w. Mr. Jay Kansara, Adv.
For the Respondent : Ms. Priyanshi Chandarana, Adv.

ORDER

Application is filed under Section 95 of IBC, 2016 seeking CIRP of the Personal Guarantor. Notice is not issued as the issue of maintainability is pending before Hon'ble Supreme Court and Resolution Professional is not appointed and report was not called for. Reply of the Personal Guarantor has challenged the maintainability of the application on the ground that order passed by Hon'ble NCLAT declaring that pendency of CIRP of the corporate debtor is not essential for proceeding against the Personal Guarantor was stayed by the Hon'ble Supreme Court and the matter was pending for consideration. The Hon'ble Supreme Court has on 06.05.2022 dismissed the appeal and has upheld the order passed by Hon'ble NCLAT. In view of the same, Learned Counsel for the applicant requests that report of the Resolution Professional be called for. Resolution Professional Mr. Premraj Ramratan Laddha, as proposed by the applicant, is appointed. Let copy of report be filed with three weeks and also served on the Personal Guarantor. Learned Counsel Mr. Jaimin Dave for Personal Guarantor seeks time to file reply after receiving the report.

List for further consideration on 30.06.2022.

-Sd-

**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**