

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

110. IA/5042/2024 C.P. (IB)/1253(MB)2021

IN THE MATTER OF

State Bank Of India

... Petitioner

Vs

Surender Kumar Gupta

... Respondent

U/s 95(1) of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 24.10.2024

CORAM:

MS. REETA KOHLI,
MEMBER (J)

MS. MADHU SINHA,
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the Applicant: Mr. Ravi Prakash Ganti (in person) (PH)

For the Respondent: Adv. Abhiraj Rao (PH)

ORDER

IA 5042 of 2024- The prayer in the present IA is for taking on record the RP's Report. The Report of the RP is taken on record. Ld. Counsel for the RP submits that the Report has already been furnished to the Personal Guarantor. Mr. Abhiraj Rao appearing on behalf of the Personal Guarantor states that he shall be filing his response before the next date of hearing. In view of the same, adjourned to **13.12.2024** for arguments. Ld. RP appearing in person states that though the report is delayed by 625 days but submits that there is no delay on his part. He was informed of this assignment only on 12.06.2024 whereas the appointment order is dated 04.01.2023. If it is factually correct then it is extremely unfortunate and also an alarming situation requiring remedial action. These unprecedented delay in filing the report could be fatal to the case itself. The Petitioner-SBI was duty bound to inform the RP about his appointment. The perusal of the order dated 04.01.2023 further shows that the Registry of Hon'ble NCLT was also directed to communicate the order of the appointment of

RP 'immediately'. Strangely, the NCLT Registry too seems to have not carried out the directions given by the Hon'ble Court. Let the SBI and also the NCLT Registry explain this callous conduct on their part before the next date of hearing by filing an appropriate status report. Adjourned to **13.12.2024**.

Sd/-
MADHU SINHA
Member(Technical)

Sd/-
REETA KOHLI
Member(Judicial)

/Ziyaul/