

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - I

ITEM No.303
CP(IB)/85(AHM)2024

Order under Section 94 IBC

IN THE MATTER OF:

HARKISHAN SAJANDAS CHAWLA
Vs
PUNJAB NATIONAL BANK

.....Applicant

.....Respondent

Order delivered on 27/02/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon,ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
SHAMMI KHAN
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, AHMEDABAD**

CP/IB/85/AHM/2024

*Filed under Section 94 of the Insolvency & Bankruptcy Code,
2016*

*In the matter of **Mr. Harikishan Sajandas Chawla***

Mr. Harikishan Sajandas Chawla,
Residing at G/14, Galaxy Tower,
Behind Grand Bhagwati, Bodakdev,
Ahmedabad-380054 ... Applicant

Versus

Punjab National Bank
Circle Sastra,
6th Floor, Gujarat Bhavan, Ellisbridge,
Ahmedabad-380006 ...Respondent

Order pronounced on : 27.02.2024

CORAM:

Mr. SHAMMI KHAN, MEMBER (JUDICIAL)
Mr. SAMEER KAKAR, MEMBER (TECHNICAL)

Present:

For the Applicant : Ms. Noopur Dalal, Advocate
For the Respondent : Ms. Hirva Dave proxy Advocate for
Mr. Jaimin Dave, Advocate (for PNB)

ORDER

1. This application has been filed under Section 94(1) of the Insolvency and Bankruptcy Code, 2016 by the Applicant/Personal Guarantor to initiate proceeding in terms of Section 94 (1) of the IBC, 2016.
2. The Applicant had earlier filed an application similar to that of the present application, bearing CP(IB)/80(AHM)2024. The said application was incomplete and defective hence, was dismissed vide order dated 16.02.2024. The said order is reproduced below:

“This is an application filed under Section 94 of the IB Code, 2016 seeking by the Applicant/personal guarantor for initiation of Insolvency Resolution Process. On perusal of the application, it is seen that there is no declaration in terms of Section 94 (4) & (5) of the IBC, 2016.

Further, it has been apprised by the learned counsel for the Respondent/PNB Bank that in the past, two

petitions were filed by the same Applicant Guarantor on two different dates. First was filed on 02.02.2023 bearing e-filing no. 2401105002562023 which was declined to be registered on 18.09.2023 and second was filed on 27.10.2023 bearing e-filing no. 2401105019482023 and was declined to be registered on 07.12.2023 by the Joint Registrar of this Tribunal in terms of Rule 28 of the NCLT Rules, 2016.

The memorandum of appearance filed along with this application is by one Ms. Yashree Kaushalkumar Dixit, the same is not properly stamped.

In view of the above, CP(IB)/80(AHM)2024 is incomplete and defective. Hence, this petition stands dismissed.

A copy of this order be sent by the Applicant to the Financial Creditor by RPAD / Speed Post within 7 days from the date of this order.”

3. The Applicant by filing the present application has approached this Tribunal for the **fourth time** for

initiation of proceedings under Section 94 (1) of the IBC, 2016.

4. On perusal of the application it is observed that, the Deed of Guarantee is not annexed to the present application. Once again, the Applicant has filed an incomplete application. It is evident that the Applicant has developed a pattern of submitting such defective applications. Consequently, the present application is dismissed.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
SHAMMI KHAN
MEMBER (JUDICIAL)

Arati-LRA