

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 976 of 2021**

**IN THE MATTER OF:**

**Prokash Datta**  
**(Suspended Managing Director)**

**...Appellant**

**Versus**

**Indian Bank (Erstwhile Allahabad Bank) & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Devansh Srivastava and Mr. Nakul Mohta,**  
**Advocates.**

**For Respondents: Mr. Rajesh Gautam, Mr. Anant Gautam, Mr. Nipun**  
**Sharma and Mr. Ravi Solanki, Advocates for R-1.**

**Mr. Amit Pareek, Advocates for R-2. (RP)**

**O R D E R**  
**(Virtual Mode)**

**02.12.2021:** Heard. This Appeal has been filed against order dated 26<sup>th</sup> August, 2021 passed by the Adjudicating Authority (National Company Law Tribunal), Guwahati Bench, Guwahati by which I.A. No. 36 of 2021 filed by the Appellant has been rejected. I.A. has been filed by the Appellant under Section 340 r/w 195(1)(b) of Code of Criminal Procedure, 1973 r/w Sections 193, 199, 200, 463 and 471 of IPC, 1860 r/w Rule 11 of NCLT Rules, 2016 for directions against the Financial Creditor and its Authorised Signatory. The Appellant in his application has stated that the Term Loan Agreement-III does not contain his signature. He submits that he has submitted report of the handwriting expert, hence, application made by him ought to have been accepted with appropriate direction.

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2. We have considered contentions of Learned Counsel for the Appellant and perused the record.

3. The Bank has Financial Debt which was claimed in the Application filed under Section 7 including Term Loan-I, Term Loan-II, Term Loan-III and Cash Credit Loan and total amount of debt was mentioned. The Appellant's case is that his signature is not on the Term Loan-III Agreement, hence, he has filed the Application. Application under Section 7 of the Code clearly mentioned that as per Term Loan-III the amount was disbursed on various dates, details of which has been mentioned in the Application. There is no case that the Appellant did not receive any amount. However, he is harping on the fact that the Terms Loan-III Agreement does not contain his signature. The Adjudicating Authority, after considering his Application, has rejected the same. We, in the facts of the case, do not find any error in the decision of the Adjudicating Authority rejecting the Application. We find no merit in the Appeal. The Appeal is dismissed.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

*Archana/nn.*