

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - IV

ITEM No. 6
(IB)-413/ND/2021

IN THE MATTER OF:

State Bank Of India	...	Applicant
Vs.		
Sapna Aggarwal	...	Respondent

Order under Section 95.

Order delivered on 06.08.2021

Coram:

DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)

MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Ankur Mittal, Ms. Meera Murali,
Mr. Aishwarya Pandey, Adv.

For the Respondent : Mr. Krishnendu Datta, Senior Adv.
Mr. TanujSud, Mr. Rajeev Aggarwal, Mr. Ajay Kumar,
Ms. Harshita Ahluwalia, Mr. Parth Bhatia, Advs.

ORDER

Application filed through Resolution Professional under Section 95. Issue notice to Personal Guarantor-Ms. Sapna Aggarwal. Learned Counsel for the applicant states that the CIRP against the original Corporate Debtor for which the present Personal Guarantor stood as a Guarantor was commenced and Resolution Plan is approved and CIRP has ended in successful resolution. Mr. Dutta, Learned Counsel appearing for the Personal Guarantor objects the jurisdiction of this Bench while reading Section 60(2) read with Section 173 and states that this Forum does not have jurisdiction to entertain the application against the Personal Guarantor in view of no CIRP or Liquidation Process pending as on date. Mr. Mittal, Learned Counsel for the applicant states that Section 60(1) read with Section 2 (2) clarifies the position. Let a preliminary affidavit with respect to the issue of jurisdiction be filed by the respondent within one week. List on 16.08.2021.

Sd/-

SUMITA PURKAYASTHA
MEMBER (TECHNICAL)

Sd/-

DR. DEEPTI MUKESH
MEMBER (JUDICIAL)