

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COURT III**

16. I.A. 1267/2022

In

C.P.(IB) 235(MB)/2022

CORAM: SHRI H.V. SUBBA RAO, MEMBER (J)  
SHRI CHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **13.05.2022**

NAME OF THE PARTIES: BEACON TRUSTEESHIP LIMITED

Vs.

SANJAY RAJKUMAR CHHABRIA

SECTION 95(1) OF INSOLVENCY AND BANKRUPTCY CODE, 2016

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**ORDER**

**I.A. 1267/2022**

Mr. Prakul Thandai, Interim Resolution Professional is present in person through virtual hearing.

The above application is filed by IRP along with his report and observation. The report is taken on record. Accordingly, the above I.A.1267/2022 is allowed and disposed of.

Heard the argument of IRP and the above in CP 235/2022 is admitted. Detail order would follow:

Sd/-  
CHANDRA BHAN SINGH  
Member (Technical)  
//RKS//

Sd/-  
H.V. SUBBA RAO  
Member (Judicial)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH, COURT – III**

**I.A. 1267/2022  
IN  
C.P. (IB)-235/(MB)/2022**

Under Section 95 r/w Sections 96, 97, 99 & 100 of Insolvency & Bankruptcy Code, 2016 read with Rule 7(2) of the Insolvency & Bankruptcy (Application to Adjudication Authority for Insolvency Resolution Process for Personal Guarantors of Corporate Debtor) Rules, 2019.

*In the matter of*

**Beacon Trusteeship Limited**

A company incorporated under the Companies Act, 2013, having its registered office at: 4C & D Siddhivinayak Chambers, Gandhi Nagar Opp. MIG Cricket Club, Bandra (East), Mumbai - 400051

**..... Applicant / Creditor**

Versus

**Mr. Sanjay Kumar Chhabria**

Personal Guarantor to the Applicant,  
Indian Inhabitant, Residing at 13/14 Solitaire, Central Avenue Road,  
Opp. Rose Manor School,  
Santacruz West, Mumbai - 400054

**.... Respondent / Personal Guarantor**

**Order dated: 13.05.2022**

**Coram:**

Hon'ble Shri H. V. Subbarao, Member (Judicial)  
Hon'ble Shri Chandra Bhan Singh, Member (Technical)

***Appearance (through video conferencing):***

**For the Applicant:** None Appeared

**For the Respondent:** None Appeared

**Resolution Professional:** Mr. Prakul Thadi

**ORDER**

1. This Interlocutory Application in Company Petition is filed by **Beacon Trusteeship Limited**, (“the Applicant”), under Section 95 of the Insolvency & Bankruptcy Code, 2016 (**IBC**) read with Rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudication Authority for Insolvency Resolution Process for Personal Guarantors of Corporate Debtor) Rules, 2019 seeking to initiate Personal Insolvency Resolution Process (PIRP) against **Mr. Sanjay Kumar Chhabria** (“the Personal Guarantor”) claiming outstanding of Rs. 96,93,56,440/- (Rupees Ninety Six Crore Ninety Three Lakh Fifty Six Thousand Four Hundred and Forty Only).
2. This Bench vide its order dated 01.03.2022 appointed Resolution Professional Mr. Prakul Thadi, having Registration No. IBBI/IPA-002/IP-N01149/2021-2022/13806 and having office at: Flat No. 1405, J Block, Rainbow Vistas, Green Hills Road, Moosapet, Hyderabad, Telangana - 500018. This Bench directed the Resolution Professional to file a report under Section 99 of the IBC to make recommendation with reasons in writing for either acceptance or rejection of this Application within the stipulated time under the said section.

3. The Resolution Professional has submitted his report under Section 99 of IBC with this Tribunal on 11.05.2022. The Resolution Professional in his report has provided his recommendation with respect to admission of the present Application. It records that on the scrutiny of Application under Section 95 of the IBC filed by Beacon Trusteeship Limited complies with the requirements under Section 95 as well as Section 99.
4. This Bench has already recorded in its order dated 01.03.2022 that Application under Section 7 of the IBC filed by Beacon Trusteeship Limited was admitted against Radius Estates and Developers Private Limited (“Corporate Debtor”) on 30.04.2021. The Applicant Beacon Trusteeship Limited is the Financial Creditor to the Corporate Debtor whose claim has been admitted as a financial debt. By Deed of Personal Guarantee dated 12.11.2018 executed between Applicant Beacon Trusteeship Limited and Mr. Sanjay Kumar Chhabria, wherein Mr. Sanjay Kumar Chhabria stood as Personal Guarantor.
5. Demand Notice dated 16.12.2021 under Rule 7(1) of the Insolvency & Bankruptcy (Application to Adjudication Authority for Insolvency Resolution Process for Personal Guarantors of Corporate Debtor) Rules, 2019 was issued to the Personal Guarantor claiming total outstanding of Rs. 96,93,56,440/- (Rupees Ninety Six Crore Ninety Three Lakh Fifty Six Thousand Four Hundred and Forty Only). The said Demand Notice was served upon the Personal Guarantor via Registered Post on 29.01.2022. The Applicant mention that there has been no response from the Respondent side to the demand notice or any

payments from the Personal Guarantor, within the period of 14 days stipulated in the Demand Notice.

6. This Bench has considered the Application filed under Section 95 along with the report filed by the Resolution Professional under Section 99 of the IBC. For the reasons recorded in the report submitted by the Resolution Professional, the Application i.e. I.A. 1267/2022 is allowed and C.P. (IB)-14/(MB)/2022 filed under Section 95 of IBC is hereby admitted under Section 100 of IBC.
7. The Insolvency Resolution Process is initiated. The commencement of moratorium under Section 101 is hereby declared from the date of this order. During the moratorium period:
  - a. Any pending legal action or proceeding in respect of any debt shall be deemed to have been stayed; and
  - b. The creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt; and
  - c. The debtor shall not transfer, alienate, encumber, or dispose of any of his assets or his legal rights or beneficial interest therein;
  - d. The provisions of this section shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
8. This Bench notes that there is no request made by the Resolution Professional in his report for issuance of instructions for the purpose of conducting negotiations

between the debtor and creditor for arriving at a repayment plan in terms of Section 100 (2).

9. This Bench directs the Resolution Professional to provide a copy of this order along with his report dated 11.05.2022 to the creditors within a period of 7 days from the date of this order and file compliance affidavit.
10. The Resolution Professional is directed to cause a public notice in terms of Section 102 within 7 days from uploading of this order, inviting claims from all creditors who may register their claims in terms of Section 103. The notice shall contain necessary particulars and details as provided under Section 102(2). The publication of notice shall be made in two prominent newspapers, one in English and one in Marathi which shall have wide circulation in Maharashtra state where Personal Guarantor resides.
11. The Resolution Professional in exercise of the powers conferred under Section 104 shall prepare a list of creditors within 30 days from the date of the notice. The debtor shall prepare a repayment plan in consultation with the Resolution Professional as provided under Section 105 which shall include the provisions for payment of fee to the Resolution Professional. The Resolution Professional shall submit the repayment plan along with his report on the plan to this Authority within a period of 21 days from the last date of submission of claims, as provided under Section 106.
12. In case the Resolution Professional recommends that a meeting of the creditors is not required to be summoned, he shall record the reasons therefor. If the Resolution Professional is of the opinion that the meeting of the

creditors should be summoned, he shall specify the details as provided under Section 106(3). The date of meeting should not be less than 14 days or more than 28 days from the date of submission of the Report under Sub-section (1) of Section 106, for which at least 14 days' notice to the creditors [as per the list prepared] shall be issued by all modes. Such notice must contain the details as provided under the provisions of Section 107.

13. The meeting of the creditors shall be conducted in accordance with Sections 108, 109, 110 & 111. The Resolution Professional shall prepare a report of the meeting of the creditors on repayment plan with all details as provided under Section 112 and submit the same to this Authority, copies of which shall be provided to the debtor and the creditors. It is made clear that the Resolution Professional shall perform his functions and duties in compliance with the code of conduct provided under Section 208 of the IBC, 2016.
14. In terms of above, **I.A. 1267/2022** is **allowed** and **C.P. (IB)-235/(MB)/2022** is hereby **admitted** under Section 100 of IBC, 2016.

**Sd/-**

**CHANDRA BHAN SINGH**  
**MEMBER (TECHNICAL)**

**Sd/-**

**H. V. SUBBA RAO**  
**MEMBER (JUDICIAL)**