



**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, COURT-I, CHANDIGARH
(Exercising powers of Adjudicating Authority under
the Insolvency and Bankruptcy Code, 2016)
(through web-based video conferencing platform)**

CP (IB) No. 80/Chd/Pb/2024

&

CP (IB) No. 101/Chd/Pb/2024

**Under Section 94 and 95 of
the Insolvency and
Bankruptcy Code, 2016
(Report under Section
99-100, of IBC, 2016)**

IN THE MATTER OF CP (IB) No. 80/Chd/Pb/2024:

Ashu Jain

r/o H.No. 1658, Ground Floor
Sector-39, Chandigarh Road
Ward No. 15, Guru Ram Das Colony
Ludhiana- 141010

Personal Guarantor of:

Noble Steels Pvt. Ltd.

AND IN THE MATTER OF CP (IB) No. 101/Chd/Pb/2024:

Indian Bank

Having its registered office at:
254-260, Avvai Shanmugam Salai
Royapettah, Chennai, 600014
Tamil Nadu

Also at:

Stressed Assets Management (SAM) Branch
165 Industrial Area-A, Near Cheema Chowk
Ludhiana- 141003

Vs.

Sh. Ashu Jain

R/o H.No. 1658, Ground Floor
Sector-39, Chandigarh Road
Ward No. 15, Guru Ram Das Colony
Ludhiana- 141010

Section: 94 and 95 of the Insolvency and Bankruptcy Code, 2016



Judgment delivered on: 30.08.2024

**Coram: HON'BLE MR. HARNAM SINGH THAKUR, MEMBER (JUDICIAL)
HON'BLE MR. RAHUL PRASAD BHATNAGAR, MEMBER (TECHNICAL)**

Present:

**For the Petitioner in CP (IB) No. 80/Chd/Pb/2024
and Respondent in CP (IB) No. 101/Chd/Pb/2024** : Mr. Vashisht, Advocate

For the RP in CP (IB) No. 80/Chd/Pb/2024 : Mr. Yash Shrivastav, Advocate

For the Petitioner in CP (IB) No. 101/Chd/Hry/2024 : Mr. Abhishek Singla and Mr. Akshat Kalia, Advocates

For the RP in CP (IB) No. 101/Chd/Pb/2024 : Mr. Narsingh Chauhan, Advocate

Per: Mr. Harnam Singh Thakur, Member (Judicial)

Mr. Rahul Prasad Bhatnagar, Member (Technical)

JUDGMENT in CP (IB) No. 80/Chd/Pb/2024

and CP (IB) No. 101/Chd/Pb/2024

2. Both these applications, being interconnected, are taken up together for adjudication to determine which of these applications would proceed.

3. CP (IB) No. 80/Chd/Pb/2024 is filed under Section 94(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "**the Code**"), r/w Rule 6 (1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority for IRP for Personal Guarantors to Corporate Debtor) Rules, 2019, seeking to set in motion the Insolvency Resolution Process (hereinafter referred as "**IR Process**") against the



Applicant/Debtor who is the Personal Guarantor of Noble Steels Pvt. Ltd. (hereinafter referred as "**Corporate Debtor**") for an amount of Rs. 10,78,86,816/- in relation to the credit facility extended by the Indian Bank (hereinafter referred to as "**Financial Creditor**") in favour of the Corporate Debtor.

4. Whereas C.P. (IB) No. 101/Chd/Pb/2024 is filed by Indian Bank ("Financial Creditor") against Ashu Jain (Personal Guarantor to Noble Steels Pvt. Ltd.) for an amount of Rs. 10,78,86,816/- in relation to the credit facility extended by the Indian Bank in favour of the Corporate Debtor

5. As per the Report of the Registry (attached), CP (IB) No. 80/Chd/Pb/2024 was registered on 05.04.2024, and was admitted vide order dated 08.04.2022, whereas CP (IB) No. 101/Chd/Pb/2024 was registered on 26.04.2024 and was admitted vide order dated 06.05.2024. In terms of Section 96 of the Code, an interim moratorium commences when an application is filed under Section 94 or 95 of the Code. Section 96 is reproduced hereunder for ready reference:

96. Interim- moratorium. -

(1) When an application is filed under section 94 or section 95 :

(a) an interim-moratorium shall commence on the date of the application in relation to all the debts and shall cease to have effect on the date of admission of such application; and

(b) during the interim-moratorium period -

(i) any legal action or proceeding pending in respect of any debt shall be deemed to have been stayed; and

(ii) the creditors of the debtor shall not initiate any legal action or proceedings in respect of any debt.



(2) Where the application has been made in relation to a firm, the interim moratorium under sub-section (1) shall operate against all the partners of the firm as on the date of the application.

(3) The provisions of sub-section (1) shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

6. Since the present application under Section 94 of the Code was registered and admitted prior in time to the application filed under Section 95 of the Code, therefore, the same shall be proceeded with. **The application bearing CP (IB) No. 101/Chd/Pb/2024 by Indian Bank, the financial creditor, under the provisions of Section 95 of the IBC, 2016, is not maintainable, being barred under Section 96(1)(b)(ii) and thus stands dismissed accordingly.**

7. In terms of the above, CP(IB) No. 80/Chd/Pb/2024 filed under Section 94 (1) of the IBC, 2016 shall further be listed on 05.09.2024 for further consideration.

-sd-
(Rahul Prasad Bhatnagar)
Member (Technical)

-sd-
(Harnam Singh Thakur)
Member (Judicial)

August 30, 2024
ASG