

NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH

CORAM:

SHRI VINAY GOEL, HON'BLE MEMBER (JUDICIAL)
SHRI RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)

PETITION No./IA No.	IA(IBC)/277/KOB/2026 in CP(IB)/13/KOB/2025
SECTION	SEC. 121 IBC R/W RULE 123 & 7
NAME OF PARTIES	TATA CAPITAL LIMITED V/S RAJWANTH BEN
PETITIONERS ADVOCATE/ PROFESSIONAL	ASHWIN TRIPATHI
RESPONDENTS ADVOCATE/ PROFESSIONAL	

24 JUNE 2026

ORDER

IA(IBC)/277/KOB/2026 in CP(IB)/13/KOB/2025

Ld. Counsel, Ms. Pooja Pandey appears virtually for the applicant.

Order Pronounced, vide separate sheets.

Sd/-
RAVICHANDRAN RAMASAMY
MEMBER (TECHNICAL)

Sd/-
VINAY GOEL
MEMBER (JUDICIAL)

IN THE NATIONAL COMPANY LAW TRIBUNAL

KOCHI BENCH

IA(IBC)/277/KOB/2026

IN

CP (IBC)/13/KOB/2025

(Under Section 121 and 123 of the Insolvency and Bankruptcy Code, 2016, read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Bankruptcy Process for Personal Guarantors to Corporate Debtors) Rules, 2019)

Date of Institution: 22.06.2026

Order delivered on: 24.06.2026

In the matter of:

M/s. Tata Capital Limited Vs Mr. Rajwanth Ben

MEMO OF PARTIES:

M/s. Tata Capital Limited,

11th Floor, Tower A, Peninsula Business Park,
Ganpatrao Kadam Marg, Lower Parel, Mumbai,
Maharashtra - 400 013

... Applicant/Financial Creditor

-Vs-

Mr. Rajwanth Ben

1B Lavender, Skyline Riverdale Apartments, Petta,
Tripunithura P O, Ernakulam 682301, Kerala

...Respondent/Personal Guarantor

Coram:

HON'BLE MEMBER (JUDICIAL) : SHRI. VINAY GOEL

HON'BLE MEMBER (TECHNICAL) : SHRI. RAVICHANDRAN RAMASAMY

Appearances:

For the Applicant : Ms. Pooja Pandey, Advocate

ORDER

Per Coram

1. The Applicant/Financial Creditor, M/s. Tata Capital Limited, formerly known as M/s. Tata Capital Financial Services Limited, has filed the present application under Sections 121(b) and 123(1) of the Insolvency and Bankruptcy Code, 2016, read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Bankruptcy Process for Personal Guarantors to Corporate Debtors) Rules, 2019, seeking initiation of the bankruptcy process against Mr. Rajwanth Ben, Respondent/Personal Guarantor to the Corporate Debtor, M/s. Malayalam Vehicles India Private, and to appoint a Bankruptcy Trustee.
2. The Applicant, Tata Capital Limited ("TCL"), is a Non-Banking Financial Company incorporated under the Companies Act, 1956, having its registered office at 11th Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai-400013. Pursuant to the Order dated 24th November 2023 passed by the Hon'ble NCLT, Mumbai Bench, all assets, liabilities, rights, securities, contracts, obligations, and legal proceedings of Tata Capital Financial Services Limited ("TCFSL") and Tata Cleantech Limited ("TCCL") vested in TCL with effect from 01st January 2024. Further, by Order dated 01st May 2025, the Hon'ble NCLT, Mumbai Bench approved the amalgamation of Tata Motors Finance Limited ("TMFL") with TCL.

Consequently, TCL became entitled to enforce all rights and remedies arising from the financial facilities granted by TCFSL, TCCL, and TMFL.

3. It is submitted that the Corporate Debtor availed (i) a Channel Finance Facility of Rs. 7,00,00,000/- under Sanction Letter dated 26th August 2023, and (ii) a Term Loan Facility of Rs. 5,00,00,000/- under Sanction Letter dated 22nd December 2023. The Corporate Debtor, the guarantors and other security providers executed the necessary facility and security documents, including the Loan Cum Guarantee Agreement, Deed of Hypothecation, Net Worth Affidavits, Term Loan Agreement, Mortgage Deed executed by M/s Katrala Products Pvt. Ltd., and Letters of Net Disbursal.
4. It is stated that the Respondent, Mr. Rajwanth Ben, along with other guarantors, executed personal guarantees in favour of the Applicant, guaranteeing repayment of all amounts due from the Corporate Debtor. Due to persistent defaults, the loan account was classified as NPA on 26th September 2024. The Applicant thereafter issued a Loan Recall Notice dated 18th October 2024, a SARFAESI Demand Notice dated 15th November 2024, and a Demand Notice invoking the personal guarantee dated 03rd June 2025. Despite the service of the notices, the Respondent failed to clear the outstanding dues.
5. It is further submitted that, separately, the Corporate Debtor had availed a Channel Finance Facility of Rs. 4,00,00,000/- from TMFL under Sanction Letter dated 15th March 2023 and Channel Finance Agreement dated 18th March 2023. To secure the facility, the Respondent executed a Deed of Guarantee dated 18th March 2023 in favour of TMFL. Upon default, TMFL issued a Demand Notice dated 24th July 2024 and a statutory Demand Notice dated 23rd August 2024 under Rule 7(1) of the 2019 Rules. The Respondent failed to comply with either notice.

6. Accordingly, proceedings under Section 95 of the Insolvency and Bankruptcy Code, 2016, were initiated in CP (IB) No. 13/KOB/2025. By Order dated 23rd June 2025, this Adjudicating Authority appointed Mr. Rakesh Kumar Tulsyan as Resolution Professional under Section 97. Upon submission of the report under Section 99 recommending admission, this Adjudicating Authority, by Order dated 25th September 2025, permitted substitution of TMFL with TCL and, by Order dated 03rd November 2025, admitted the application under Section 100.
7. It is submitted that the Resolution Professional thereafter issued public notice, invited and verified claims, and constituted the Committee of Creditors ("CoC"). The Respondent was repeatedly called upon to submit a repayment plan under Section 105 but failed to do so. In the CoC meeting held on 22nd December 2025, time was extended till 30th December 2025 at the Respondent's request. But the Respondent failed to submit any repayment plan. The Respondent also failed to attend the second CoC meeting held on 08th January 2026. The CoC unanimously concluded that no viable resolution was possible and authorised initiation of bankruptcy proceedings. Consequently, IA(IBC)/102/KOB/2026 was filed under Regulation 17B of the 2019 Regulations.
8. Further, it is submitted that by Order dated 11th March 2026, this Adjudicating Authority permitted initiation of bankruptcy proceedings under Section 115(2) read with Section 121 of the Insolvency and Bankruptcy Code, 2016. The Respondent continues to remain in default. As on 13th April 2026, an amount of Rs. 18,68,87,578.54/- remains due and payable, together with further interest, penal charges, and other contractual dues until realization.

9. The Applicant proposes the appointment of Mr. Sabbani Maruthi (IBBI/IPA-001/IP-P-02752/2022-2023/14202), residing at New MHADA EWS Towers, Block 3C, Flat No. 303, Bangur Nagar, Goregaon West, Mumbai-400104, as Bankruptcy Trustee. He has furnished his written consent and confirmed his eligibility, independence, and absence of any disciplinary proceedings.
10. In view of the aforesaid facts and circumstances, the present Application is filed seeking Bankruptcy of the Personal Guarantor under Section 123 of IBC, 2016, to initiate Bankruptcy Process against the Personal Guarantor of Corporate Debtor.
11. As per the provisions of IBC, 2016, no notice is required to be served upon the Respondent/Personal Guarantor, who has failed to comply with the earlier orders.
12. This Adjudicating Authority perused the Application and is satisfied that the Applicant has filed the application with all the mandatory requirements under the applicable regulations. No valid or justifiable reason has been shown on behalf of the Respondent. Therefore, this Adjudicating Authority finds it proper to admit this Application and declare the Personal Guarantor herein, as Bankrupt. The commercial wisdom of CoC is paramount, and there is no procedural lapse on the part of Resolution Professional or CoC. The non-submission of a repayment plan followed by an order under Section 114 of IBC, 2016 would invite the bankruptcy proceedings as its natural consequence.
13. In the result, **Mr. Rajwanth Ben**, 1B Lavender, Skyline Riverdale Apartments, Petta, Tripunithura P O, Tripunithura, Ernakulam 682301, Kerala, **Personal Guarantor**, is hereby **ordered to be Bankrupt**.

14. The Applicant proposed Insolvency Professional **Mr. Sabbani Maruthi** having **IBBI Registration No. IBBI/IPA-001/IP-P-02752/2022-2023/14202**, residing at **New MHADA EWS Towers, Block 3C, Flat No. 303, Bangur Nagar, Goregaon West, Mumbai-400104, Email: maruthi.sabbani18@gmail.com**, to be appointed as **Bankruptcy Trustee**. The said Insolvency Professional has also given a declaration in Part IV of the Application. Hence, **Mr. Sabbani Maruthi** is appointed as **Bankruptcy Trustee** under section 125 of the IBC, 2016.
15. The Registry is directed to provide a copy of this Bankruptcy order and a copy of the Bankruptcy application to the Bankrupt, the Creditor, and the Bankruptcy Trustee within 7 (seven) days as provided under Section 126 (2) of IBC, 2016.
16. This order of Bankruptcy shall continue to have the effect till the debtor is discharged under Section 138 of the IBC, 2016.
17. The Bankrupt shall submit his statement of financial position to the Bankruptcy Trustee in the prescribed Form within seven days from the date of the order.
18. The estate of the Bankrupt excluding the assets mentioned in Section 155(2) of IBC, 2016 read with Rule 5 of Insolvency and Bankruptcy (Application to Adjudicating Authority for Bankruptcy Process for Personal Guarantors to Corporate Debtor) Rules, 2019 vest with the Bankruptcy Trustee in pursuance of this order, the Bankruptcy Trustee is directed to forthwith take into his custody all the assets, Properties, and actionable claims of the Bankrupt and take necessary steps to ensure the preservation, protection security and maintenance of those properties as provided under Section 128 and 154 of IBC, 2016.

19. The Bankruptcy Trustee is directed to adhere to Sections 128, 129 (4), 132, 133, 134, 136, and 137 of IBC, 2016, and discharge his powers and duties as specified and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time.
20. The Bankruptcy Trustee for the Adjudicating Authority shall send notices as provided under Section 130(1)(a) of the IBC, 2016, within ten days from the date of this order to the creditors mentioned in the statement of affairs submitted by the Bankrupt under Section 129 of the IBC, 2016.
21. The public notice inviting claims from the creditors as contemplated under Section 130 (2) of IBC, 2016 shall be issued in one morning English daily, and in one-morning vernacular regional language newspapers having wide circulation where the Bankrupt resides.
22. This Bankruptcy order is subject to provisions of sub-section (2) of 128 of IBC, 2016, and no one will be able to initiate any action against the property of the Bankrupt in respect of debt and no suit or other legal proceeding shall be initiated against the Bankrupt, save and except with the leave of the Adjudicating Authority as provided in Section 128 (1) (c)(ii) of IBC, 2016.
23. The Bankruptcy Trustee shall conduct the administration of the distribution of the estate of the bankrupt under Part III, Chapter V of IBC, 2016, as provided in Section 136 of the Code.
24. The Bankrupt shall, from the date of the order, be subject to such disqualifications and restrictions as prescribed under sections 140 and 141 of IBC, 2016.
25. The Bankruptcy Trustee may seek such further information or explanation in connection with the bankruptcy process as may be required from the debtor

or the creditor, or any other person who, in the opinion of the Bankruptcy Trustee, may provide such information. The persons from whom information or explanation is sought shall furnish such information or explanation within seven days of receipt of the request.

26. The Bankruptcy Trustee shall exercise all the powers as enumerated under IBC, 2016, read with Rules and Regulations made thereunder.
27. The Bankruptcy Trustee shall submit to this Adjudicating Authority and committee a preliminary report within ninety days from this date of the Bankruptcy order after serving a copy of the report on the Bankrupt as provided in Regulation 8 of Insolvency and Bankruptcy Board of India (Bankruptcy Process for Personal Guarantors to Corporate Debtors) Regulation, 2019.
28. The Bankruptcy Trustee shall submit to this Adjudicating Authority a periodical progress report within fifteen days after the end of every quarter after serving a copy of the report on the Bankrupt provided under Regulation 10 of Insolvency and Bankruptcy Board of India (Bankruptcy Process for Personal Guarantors to Corporate Debtor) Regulation, 2019.
29. The Applicant shall forthwith deposit an amount of **Rs. 1,00,000/- [Rupees One Lakh only]** with the Bankruptcy Trustee for initiation of the proceedings as directed by this Adjudicating Authority.
30. The fee of the Bankruptcy Trustee is to be determined as provided under Regulation 4 of the Insolvency and Bankruptcy Board of India (Bankruptcy Process for Personal Guarantors to Corporate Debtor) Regulation, 2019. The initial amount (Rupees One Lakh only) paid to the Bankruptcy Trustee shall be deducted from the fee so determined as per the Rules.

31. Accordingly, the application, **IA(IBC)/277/KOB/2026** in **CP(IBC)/13/KOB/2025**, stands **allowed and disposed of**.
32. The Registry is directed to send e-mail copies of this order forthwith to all the parties, their Learned Counsel, and IBBI for information and for taking necessary steps. The Registry shall place a compliance report of this direction in this file.
33. Let the certified copy of the order be issued upon compliance with the requisite formalities.
34. File be consigned to records.

Sd/-
RAVICHANDRAN RAMASAMY
(MEMBER TECHNICAL)

Sd/-
VINAY GOEL
(MEMBER JUDICIAL)

Signed on this the 24th day of June, 2026.

D/Steno