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NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH
(through web-based video conferencing platform)

Item No. 109
IA No. 378/JPR/2026
IA No. 466/JPR/2026
CP No. (IB)- 23/95/JPR/2024
Under Section 95 of IBC, 2016

In the matter of:
Tata Capital Ltd. **... Applicant/Creditor**

Versus

Manish Agarwal (PG to CD- M/s GRD Trucks Pvt. Ltd.)
...Guarantor/Respondent

Coram: HON'BLE MS. REETA KOHLI, JUDICIAL MEMBER
HON'BLE MS. KAVITA BHATNAGAR, TECHNICAL MEMBER

PRESENT: -
For the Applicant : Dheeraj Palia, Adv.
Krishna Kumar Mukkar, Adv.

ORDER

IA (IBC) No. 378/JPR/2026

1. Heard the learned counsel for the Applicant. The Applicant/Financial Creditor, *Tata Capital Ltd.,* has filed this Application under Section 123 of the Insolvency and Bankruptcy Code, 2016 ("Code") read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Bankruptcy Process for Personal Guarantors to Corporate Debtor) Rules, 2019, seeking initiation of Bankruptcy Process against *Mr. Manish Agarwal*, Personal Guarantor of the Corporate Debtor i.e. *GRD Trucks Private Limited.*

2. The Applicant is a Financial Creditor, which had granted Channel Finance Facility to the Corporate Debtor pursuant to its loan application dated

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14.03.2016, whereby a credit facility of ₹8,00,00,000/- was sanctioned for a period of twelve months. The facility was thereafter periodically renewed *vide* sanction letters dated 14.06.2017, 31.12.2018 and 30.12.2019, and the credit limit was subsequently revised from ₹8,00,00,000/- to ₹5,00,00,000/-. The Personal Guarantor had provided his personal guarantee securing the repayment of the financial assistance availed by the Corporate Debtor *vide* Letter of Guarantee dated 26.03.2016, which was reaffirmed on each renewal of the facility, the last being under the Loan-cum-Guarantee Agreement dated 10.01.2020.

3. The Corporate Debtor had failed to honour its obligations to the Financial Creditor, having committed default in repayment on 05.03.2021, and therefore the loan account of the Corporate Debtor was declared as NPA on 03.06.2021. A Loan Recall Notice was issued on 07.07.2021 to the Corporate Debtor and the Guarantors demanding payment of the outstanding dues, which remained unpaid. It is submitted that the outstanding total amount payable to the Financial Creditor by the Personal Guarantor is ₹19,13,53,809/- as on 30.06.2026 (as per the Part-III of the Application), plus future interest and other expenses. It is also stated that the Corporate Insolvency Resolution Process against the Corporate Debtor was initiated by this Adjudicating Authority on 28.04.2022.

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4. Thereafter, an application bearing *CP (IB) No. 23/95/JPR/2024* was filed on 02.03.2024 under Section 95 of the Insolvency and Bankruptcy Code, 2016 read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtor) Rules, 2019. *Vide* order dated 18.03.2024, *Mr. Manish Kumar Bhagat* was appointed as the Resolution Professional and was called upon to submit his report under Section 99 of the IBC, 2016. The Resolution Professional submitted his report recommending admission and, *vide* order dated 07.06.2024 in *IA No. 259/JPR/2024*, notice was issued to the Personal Guarantor. However, *vide* order dated 26.05.2025, this Adjudicating Authority found that the said report did not comply with the mandatory requirements of Section 99 for want of proper reasons and independent findings, and directed the Resolution Professional to submit a fresh report.

5. Upon submission of the fresh report by the Resolution Professional, this Adjudicating Authority *vide* order dated 30.01.2026 in *IA (IBC) No. 501/JPR/2025 in CP (IB) No. 23/95/JPR/2024* admitted the Application under Section 100 of the IBC, 2016, declared moratorium under Section 101 and directed the Resolution Professional to conduct the Insolvency Resolution Process against the Personal Guarantor. In pursuance thereof, the Resolution Professional issued a public announcement on 03.02.2026

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inviting claims and, after verification of the three claims received, prepared the List of Creditors on 02.03.2026 under Section 104, admitting the claims of The Federal Bank Limited (₹13,66,08,416.40), Mahindra & Mahindra Financial Services Limited (₹5,41,51,546.95) and Tata Capital Limited (₹4,69,02,317.86), aggregating to ₹23,76,62,281.21. By e-mail dated 12.03.2026, the Personal Guarantor was called upon to submit a repayment plan under Section 105 of the Code; however, no repayment plan was submitted within the prescribed period.

6. The Resolution Professional accordingly filed *IA No. 167/JPR/2026* in CP (IB) No. 23/95/JPR/2024 along with his report under Section 106 of the Code. This Adjudicating Authority, *vide* order dated 17.04.2026, condoned the delay of seven days in filing the report, observed that the Resolution Professional ought to have convened a meeting of the creditors in terms of Regulations 17A and 17B of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019, but held that convening such a meeting at that stage would be a mere academic exercise as no repayment plan had been submitted. Accordingly, the insolvency resolution proceedings in *CP (IB) No. 23/95/JPR/2024* were dismissed and disposed of, and the creditors were granted liberty to initiate bankruptcy proceedings against the Personal Guarantor. Hence, the Financial Creditor has filed the instant Application

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on 08.07.2026 to initiate the Bankruptcy Process with respect to *Mr. Manish Agarwal*.

7. Thus, *Mr. Aman Vijay*, an Insolvency Professional enrolled with the Insolvency Professional Agency of the ICSI Institute of Insolvency Professionals (ICSI IIP) having registration number *IBBI/IPA-001/IP-P-02831/2023-2024/14378*, has been appointed as the Bankruptcy Trustee.

8. Hence, considering the facts involved in this case, we find it appropriate to admit this petition and declare the Personal Guarantor herein, as Bankrupt with the following directions:

   a. *Mr. Manish Agarwal*, Personal Guarantor of GRD Trucks Private Limited, R/o 47, 3rd Floor, Kohat Enclave, Pitampura, New Delhi – 110034, is hereby declared bankrupt;

   b. We hereby appoint *Mr. Aman Vijay*, an Insolvency Professional, having Reg. No. *IBBI/IPA-001/IP-P-02831/2023-2024/14378*, E-mail ID: ipamanvijay@gmail.com, as Bankruptcy Trustee;

   c. The Registry is directed to provide a copy of this Bankruptcy order and a copy of the Bankruptcy petition to the creditors and bankruptcy trustee within seven days as provided under Section 126(2) of IBC, 2016;

   d. This order of Bankruptcy shall continue to have the effect till the debtor is discharged under Section 138 of IBC, 2016;

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e. 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;

f. The estate of the bankrupt excluding the assets mentioned in Section 155(2) of the Code R/W 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 preservation, protection, security and maintenance of those properties as provided under Section 128 and 154 of IBC, 2016;

g. The Bankruptcy Trustee, if required, is also directed forthwith to hire Reputed Assets Tracking Company/Private Detective Agency to trace the other assets of the Personal Guarantor which are not forming part of the assets disclosed by the Financial Creditor or Personal Guarantor and take control of other assets, if found/traced by the said Assets Tracking Company/Detective Agency;

h. The Bankruptcy trustee is directed to adhere to Section 128, 129(4), 132, 133, 134, 136 and 137 of IBC, 2016 and discharge his powers

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and duties as specified and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time;

i. The Bankruptcy trustee for the adjudicating authority shall send notices as provided under Section 130(a) of 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 IBC, 2016;

j. The Public Notice inviting claims from the creditors as contemplated under Section 130(2) of the Code shall be issued in English and in one vernacular regional language (Hindi) newspaper having wide circulation in Delhi, where the bankrupt resides;

k. On passing of the Bankruptcy order but subject to sub-section (2) of Section 128 of the Code, no action shall be initiated 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 of the Code;

l. The Bankruptcy Trustee shall conduct the administration of the distribution of the estate of the bankrupt under Chapter V as provided in Section 136 of the Code;

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m. The Bankrupt shall from the date of the order be subject to such disqualifications and restrictions as prescribed under Section 140 and 141 of the Code;

n. The restrictions on a bankrupt include that the bankrupt is not permitted to travel overseas without the permission of the adjudicating authority;

o. 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;

p. The Bankruptcy Trustee shall exercise all the powers as enumerated under the Code read with Rules and Regulations made thereunder;

q. The Bankruptcy Trustee shall submit to this adjudicating authority and committee a preliminary report within ninety days from the date of the Bankruptcy order after serving 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) Regulations, 2019;

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r. The Bankruptcy Trustee shall submit to this Authority periodical progress report within fifteen days after the end of every quarter after serving 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 Debtors) Regulations, 2019;

s. The fee of Bankruptcy Trustee to be determined as provided under Regulation 4 of Insolvency and Bankruptcy Board of India (Bankruptcy Process for Personal Guarantors to Corporate Debtors) Regulations, 2019;

t. The Bankruptcy Trustee is expected to take full charge of the Personal Guarantor's assets and documents without any delay whatsoever. He is also free to take police assistance in this regard, and this Tribunal thereby directs the police authorities to render all assistance as may be required by the Bankruptcy Trustee in this regard;

9. The Registry is directed to send e-mail copies of the order forthwith to all the parties, including Bankruptcy Trustee and their Ld. Counsels for information and for taking necessary steps;

10. Further, in view of the Insolvency and Bankruptcy (Amendment) Act, 2026, the provision regarding interim moratorium as envisaged under

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Section 124 of the Code, is no longer applicable to cases where an application is filed for initiating a bankruptcy process in respect of a personal guarantor to a corporate debtor.

11. In terms of the above, *IA (IBC) No.* 378/*JPR/2026* filed under Section 123 of the Code read with Rule 7(1) of the Insolvency and Bankruptcy (Application to adjudicating authority for Bankruptcy process for Personal Guarantors to corporate debtors) Rules, 2019 is admitted and the Bankruptcy Process stands initiated against the Personal Guarantor.

IA No. 466/JPR/2026

The prayer in the present application is for condonation of delay of 11 days in filing application under Section 123 of IBC. In view of the contentions raised by the ld. Counsel, the delay is condoned. IA is allowed and thus disposed off.

Sd/-

(Kavita Bhatnagar)
Technical Member

Sd/-

(Reeta Kohli)
Judicial Member

October 23, 2026