

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 185 of 2017

IN THE MATTER OF:

Mahesh Kumar Panwar

...Appellant

Vs.

Neelan Singh & Anr.

...Respondents

Company Appeal (AT) (Insolvency) No. 117 of 2018

IN THE MATTER OF:

Mahesh Kumar Panwar

...Appellant

Vs.

Abhishek Anand

...Respondent

Present: For Appellant: - Mr. Arvind Kumar and Mr. Abhay Mishra, Advocates.

O R D E R

16.09.2019— The Appellant deposited a Bank Guarantee for a sum of Rupees One Crore, subject to the decision of this appeal, which was ordered to be refunded to the Appellant- 'Mr. Mahesh Kumar Panwar' vide this Appellate Tribunal's order dated 27th August, 2019.

2. Subsequently, when it came to the notice of this Appellate Tribunal that the Bank Guarantee was in the name of 'Mahesh Kumar Pawar' though from the records of the appeal, it appears that he has signed as 'Mahesh Kumar Panwar', this Appellate Tribunal directed the Assistant

Registrar, NCLAT to enquire as to the genuinity of 'Mahesh Kumar Pawar' in whose favour Bank Guarantee has been issued by the Bank.

3. A report has been submitted by the Assistant Registrar pursuant to the order dated 5th September, 2019, which is as follows:

“REPORT IN COMPLIANCE OF ORDER DATED 05-09-2019 PASSED IN COMPANY APPEAL (AT)(INSOLVENCY) NOS. 185 OF 2017 WITH 117 OF 2018: -

In obedience to the order dated 05-09-2019, passed by Your Lordships, the Appellant contacted the undersigned and in order to ascertain the veracity of the discrepancies occurred, the undersigned accompanied with the Appellant visited the Punjab National Bank, Sector-1, Noida (U.P.).

The Senior Manager of Punjab National Bank, Sector-1, Noida (U.P.) has categorically certified after testing/checking the thumb impression of the Appellant that his Aadhaar No. is 837357074474 and Shri 'Mahesh Kumar Pawar' and the Appellant 'Mahesh Kumar Panwar' is the same person. It has further been certified that the said Bank (i.e. Punjab National Bank) has issued Bank Guarantee No. 4127ILG002618 dated 28-08-2018 amounting to Rs.1,00,00,000/- (One Crore Rupees) to Shri Mahesh Kumar Pawar whose signature has been verified therein. The Certificate issued by the said Bank is appended hereto vide Flag 'A' for kind perusal.

Besides above, I also visited the HDFC Bank Limited, B-1/51&60, Sector-50, Noida (U.P.), where the account of the Appellant in the name of Shri Mahesh Kumar Pawar having Customer ID 26223810 exists.

The Aadhaar No. of the appellant is same as mentioned above. The said HDFC Bank Limited has verified the Photograph and Signature of the Appellant, which is also appended hereto vide Flag 'B' for kind perusal.

In view of the aforesaid Certificates furnished by the concerned officials of two Banks i.e. Punjab National Bank and HDFC Bank Limited, duly countersigned, it manifest that 'Mahesh Kumar Pawar' is the same person who has filed the appeal as 'Mahesh Kumar Panwar'.

Submitted before Your Lordships for kind perusal and orders."

4. In the circumstance, we find that 'Mahesh Kumar Pawar' while put signature signs as 'Mahesh Kumar Panwar' and thereby 'Mahesh Kumar Pawar' is the same person that of 'Mahesh Kumar Panwar' ('Mahesh Kumar Panwar' alias 'Mahesh Kumar Pawar').

5. In view of the report of the Assistant Registrar, we allow the Assistant Registrar to handover the Bank Guarantee of Rupees One Crore issued in the name of 'Mahesh Kumar Pawar' immediately.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice A.I.S. Cheema)
Member(Judicial)

(Kanthi Narahari)
Member(Technical)

Ar/g