



C.P. (IB)/381(MB)2024

SH. PRABHAT KUMAR SH. SUSHIL MAHADEORAO KOCHEY
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

NAME OF THE PARTIES: **MAHANANDA** **UDHAVRAO**
DESHKHAIRE

Section 94(1) of the Insolvency & Bankruptcy Code, 2016

C.P. (IB)/381(MB)2024

- 1) Mr. Ritesh Hegde, Ld. Counsel for the Resolution Professional appointed in the case of the Personal Guarantor herein is present. None present for Petitioner/Personal Guarantor, when the matter is called out.
- 2) Record reveals that this Bench vide Order dt. 13.10.2025, admitted the Company Petition and initiated Insolvency Resolution Process against the Personal Guarantor herein. Record further reveals that the matter was listed on Board on 15.06.2026, on which date, the Periodic Report for the period 15.10.2025 till 15.03.2026 was taken on record and the Personal Guarantor was directed to appear in person before this Tribunal to explain why the fees of the Resolution Professional has not been paid so far. The Resolution



Professional was directed to serve a copy of this order to the Personal Guarantor for the compliance.

- 3) Record further reveals that the matter was listed on Board on 09.07.2026, on which date, the learned Counsel for the Resolution Professional informed that the postal notice sent by them on 02.07.2026 is still in transit, accordingly, three (3) weeks' time as sought by the Applicant was granted.
- 4) Today, the Ld. Counsel for the Applicant informed that although the Notice sent by them on 02.07.2026, duly served upon the Petitioner/Personal Guarantor, but to no avail, and there is no representation from the side of the Petitioner/Personal Guarantor.
- 5) In spite of clear and categorical directions as above, no compliance has been made by the Personal Guarantor/Petitioner, who chose not to appear before this Bench and resultantly, failed to explain why the fees of the Resolution Professional is not paid.
- 6) The defiance of the Order passed by this Bench dt. 15.06.2026, asking the Personal Guarantor to remain present in the Court, is apparent on the face and writ large, hence, this Bench deems it fit and appropriate to issue Bailable Warrant against the Personal Guarantor herein.



7) At this juncture, it is just and appropriate to read the Judgement of the **Hon'ble National Company Law Appellate Tribunal, Principal Bench, New Delhi, passed in Company Appeal (AT) (Insolvency) No. 1018 of 2021**, which reads as under:

9. *Rule 77 which is contained in Part-XIII of the Rules provides for 'Procedure for examination of witnesses, issue of Commissions'. Rule 77 is as follows: -*

"77. Procedure for examination of witnesses, issue of Commissions. - The provisions of section 424 of the Act and relevant provisions of the Orders XVI and XXVI of the Code of Civil Procedure, 1908 (5 of 1908), shall apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents."

10. *The above Rule specifically provides that the provisions of Order XVI of the Code of Civil Procedure, 1908 shall apply in the matter of summoning and enforcing attendance of any person.*

8) **Order XVI Rule 10 specifically empowers the Court to issue in its discretion at any time warrant either with or without bail for arrest of such person who without any lawful excuse, failed to attend or to produce the document in compliance with such**



summons. The present is a case where the order was issued to Personal Guarantor to remain present before the Bench and answer the queries of this Bench, which the Personal Guarantor failed to appear before the Court despite clear and categorical directions.

9) In that view of the matter, having considered the submissions and upon perusal of the judgment cited (supra), this Bench has left with no other option except to issue Bailable warrant against the Petitioner/Personal Guarantor herein. **Jurisdictional Deputy Commissioner of Police / Deputy Superintendent of Police is hereby directed to personally ensure that the warrants are executed.**

10) Applicant shall serve a copy of this Order along with the Bailable Warrant upon the **Jurisdictional Police Department and Jurisdictional Deputy Commissioner of Police / Deputy Superintendent of Police**, for their compliance.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Sd/-

**SUSHIL MAHADEORAO KOCHEY
MEMBER (JUDICIAL)**

Vedant Kedare
(Stenographer)

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH



Deshkhaire for his appearance before the Court on **23.09.2026** sharp at 10:30 Ante Meridiem, in connection with the above-mentioned case.

This is to authorise and required you to arrest **Mahananda Udhavrao Deshkhaire** and to produce them before us. Herein, shall, fail not.

Dated, this day of **03.08.2026**.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-

SUSHIL MAHADEORAO KOCHEY
MEMBER (JUDICIAL)

Vedant Kedare
(Stenographer)

If, **Mahananda Udhavrao Deshkhaire**, shall give bail bond in the sum of **Rs. 5,000/-** with or without sureties in the like amount to the satisfaction of arresting authority with undertaking to appear before the Court on **23.09.2026** and continue attending the hearing of the matter until otherwise directed by the Court, he may be released.

Dated, this day of **03.08.2026**.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-

SUSHIL MAHADEORAO KOCHEY
MEMBER (JUDICIAL)

Vedant Kedare
(Stenographer)