

ANIL KUMAR (RESOLUTION PROFESSIONAL) VS MUKUND CHOUDHARY

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Summary of the Case

1. Details of the Parties

- **Appellant:** Anil Kumar (Resolution Professional for Personal Insolvency Resolution Process of Mukund Choudhary)
- **Respondent:** Mukund Choudhary (Personal Guarantor)

2. Facts of the Case

- An application under Section 94(1) of the Insolvency and Bankruptcy Code, 2016 (IBC) was filed by the Personal Guarantor, Mukund Choudhary, and interim moratorium commenced as per Section 96.
- The Resolution Professional (RP), Anil Kumar, submitted a report under Section 99 of the IBC. The application under Section 94 was admitted on April 30, 2024, initiating the Personal Insolvency Resolution Process (PIRP) with a 180-day moratorium as per Section 101.
- The moratorium expired on October 28, 2024. The RP filed an application to extend the PIRP by 90 days and sought an extension of the moratorium.
- The Adjudicating Authority extended the PIRP by 90 days but did not express any view on extending the moratorium. This led the RP to file the current appeal.

3. Issues Involved

- Whether the moratorium period prescribed under Section 101(1) of the IBC, which is limited to 180 days, can be extended.
- Interpretation of whether the 180-day time limit for the moratorium under Section 101(1) is mandatory or directory.

4. Judgment

- The National Company Law Appellate Tribunal (NCLAT) dismissed the appeal, stating that Section 101(1) clearly prescribes a moratorium period of 180 days, which cannot be extended.
- The tribunal emphasized that statutory provisions must be interpreted as they are written, and there is no provision under the IBC to extend the moratorium beyond the statutory limit.
- Reliance on other judgments, including *P. Mohanraj & Ors.* and *Vikas Gautamchand Jain*, was found inapplicable to the present case as they dealt with different provisions and circumstances.

5. Conclusion

The appeal was dismissed, and the tribunal held that the moratorium period under Section 101(1) is mandatory and not subject to extension, even by judicial interpretation. The PIRP must proceed without the protection of the moratorium beyond the prescribed 180 days.