

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1279 of 2019

IN THE MATTER OF:

Ramnath **...Appellant**

Vs.

M/s. Sew Infrastructure Ltd. & Ors. **...Respondents**

Present: For Appellant: - Mr. Karunesh Tandon and Mr. Mohit Raj, Advocates.

For Respondents:- Mr. Santosh Kumar, Advocate.

O R D E R

24.01.2020— ‘M/s. Sew Infrastructure Limited’- (‘Financial Creditor’) moved an application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (“I&B Code” for short) against ‘M/s. Jaldi Traders & Commerce House Private Limited’- (‘Corporate Debtor’). The Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, Mumbai, by impugned order dated 21st August, 2019 admitted the Application.

2. Earlier, when the matter was taken up, learned counsel for the Appellant submitted that the Appellant is negotiating for settlement with the Respondent.

Contd/-.....

3. Today, when the matter was taken up, learned counsel for the Appellant submits that the parties have reached a settlement and joint Application under Rule 11 of the National Company Law Appellate Tribunal Rules, 2016 has been filed enclosing the 'Terms of Settlement' dated 14th December, 2019.

4. It is informed that the 'Interim Resolution Professional' has not yet taken over charge and no publication has been made. The 'Financial Creditor' has already moved an application for change of the 'Interim Resolution Professional'. For the said reason, no publication has been made and the 'Committee of Creditors' has not been constituted.

5. In view of the fact that no publication has been made and the 'Committee of Creditors' has not yet been constituted and parties have reached 'Terms of Settlement' on 14th December, 2019, we in exercise of inherent powers conferred under Rule 11 of the National Company Law Appellate Tribunal Rules, 2016 set aside the impugned order dated 21st August, 2019 and allow 'M/s. Sew Infrastructure Limited'- ('Financial Creditor') to withdraw the Application under Section 7 which stands disposed of as withdrawn. The Adjudicating Authority will now close the proceeding. As no 'Interim Resolution Professional' has joined, we have not fixed any fee and cost for payment by any of the parties. The

‘Corporate Debtor’ (company) is released from all the rigours of Law and is allowed to function independently through its Board of Directors with immediate effect.

The Appeal is allowed with the aforesaid observations and directions. However, in the facts and circumstances of the case, there shall be no order as to cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Shreesha Merla)
Member(Technical)

Ar/RR