

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH - I (SPECIAL BENCH)  
CHENNAI BENCH

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 14/10/2019

PRESENT: SHRI B S V PRAKASH KUMAR, MEMBER-JUDICIAL  
SHRI ANIL KUMAR B, MEMBER - TECHNICAL

APPLICATION NUMBER : MA/1087/2019  
PETITION NUMBER : IBA/473/2019  
NAME OF THE PETITIONER(S) : NETCON TECHNOLOGIES PVT LTD  
NAME OF THE RESPONDENT(S) : TRUEFIX MEDIA TRANSFORMATION PVT LTD  
UNDER SECTION : 60(5) OF IBC

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
		REPRESENTATION BY WHOM	

J. MANIVANNAN

IRP IN PERON



K. NITHYAVENKATAM

Counsel for Applicant/  
Operational Creditors



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**ORDER**

On the application filed by the Operational Creditor for withdrawal of main application (IBA/473/2019) on the ground the Corporate Debtor has already given post-dated cheques towards compromise dated 10.10.2019, since the Hon'ble Supreme Court has pronounced certain guidelines in the case of *Swiss Ribbons Pvt. Limited & Another – vs.- Union of India & Others (2019 SCC OnLine SC 73)* allowing the Petitioner Creditor to move withdrawal of the company petition (IBA) provided the Corporate Debtor paid out the claim amount or settle the dispute before constitution of CoC, in this case, the IRP having stated that CoC has not yet been constituted, we are of the view that this applicant is entitled to withdraw the company petition (IBA) as stated in the Order supra.

On having the IRP already incurred paper publication charges and having not been paid his fee, this Bench directs both the Operational Creditor and Corporate Debtor to pay the cost of publication charges as well as his fee within one week hereof according to the arrangement the petitioner and corporate debtor arrived at. In the event, the payment has not come to IRP, he is at liberty to approach this Bench.

Accordingly, this **MA/1087/2019** is hereby **allowed by dismissing IBA/473/2019 as withdrawn.**

  
**(ANIL KUMAR B)**  
MEMBER (TECHNICAL)  
KNP

  
**(B S V PRAKASH KUMAR)**  
MEMBER (JUDICIAL)