

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT - IV**

**ITEM No. 2**  
**(IB)-2339(ND)/2019**  
**IA-986/ND/2021**

**IN THE MATTER OF:**

Pradeep Kumar & Company ... Applicant/Petitioner

Vs

Apace Builders and Contractors Pvt. Ltd. ... Respondent

**Order under Section 9 of IBC.**

**Order delivered on 26.02.2021**

**Coram:**

**DR. DEEPTI MUKESH,**  
**HON'BLE MEMBER (JUDICIAL)**  
**MS. SUMITA PURKAYASTHA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Gursat Singh, Advocate  
For the Respondent : Mr. P K Sachdeva, Advocate  
For the IRP : Ms. Parnika Jain, Advocate

**ORDER**

**IA-986/ND/2021:**

This is an application filed under Section 12A by IRP seeking withdrawal of **IB-2339/ND/2019**. The settlement agreement duly executed between the parties on 13.02.2021 along with the Form-FA being the consent of the Operational Creditor are annexed. Learned Counsel for IRP states that CoC is still not constituted. In view of the document placed before us and submissions made, we allow the application, thereby allow the **IB-2339/ND/2019** to be withdrawn and disposed of. Mr. Gursat Singh, Learned Counsel for the Applicant states that the settlement mentions and is in view of the post-dated cheques issued by the Corporate Debtor. He further requests that liberty be granted to the Applicant to allow to revive

the present application in case of breach of any of the settlement terms. The request of the Operational Creditor is granted.

Application is **allowed and disposed of**. Thereby **IB-2339/ND/2019** stands **withdrawn and disposed of**.

**Sd/-**  
**SUMITA PURKAYASTHA**  
**MEMBER (TECHNICAL)**

UPASANA

**Sd/-**  
**DR. DEEPTI MUKESH**  
**MEMBER (JUDICIAL)**