

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP (IB) No. 828/KB/2018

Present: 1. Hon'ble Member (J), Shri M.B. Gosavi.

2. Hon'ble Member (T), Shri Virendra Kumar Gupta

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 14th January, 2020, At 10:30 A.M

Name of the Company		M/s. Popular Plastics & Packaging Industries -Vs- M/s. S.D. Heavy Sea Food Pvt. Ltd.	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

Abhishek Lakda OC
Advocate

M. B. Gosavi
14.01.20

ORDER

Ld. Counsel for the operational creditor appears. We perused records. It is seen that notice under section 8 of IBC is initiated by the Proprietary firm and even under section 9 it is initiated by proprietary firm, which is not judicial person and it cannot initiate CIRP, in view of section 3(23) of IBC. In view of this, Ld. Counsel for the operational creditor seeks permission to withdraw the application with a liberty to file afresh. We allow his prayer. Proprietor of the firm may send notice under section 8 of IBC and file petition afresh subject to law of limitation. **Matter stands withdrawn and disposed off.**

Sd
(Virendra Kumar Gupta)
Member (T)

Sd
(M. B. Gosavi)
Member (J)