

DIVISION BENCH

ITEM NO. 2

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

IA No. 104/2023 IN CP (IB) No. 78/ALD/2020

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 16th March, 2023

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	DR. ANKUSH GARG V/S ATLANTA MEDIWORLD PVT LTD
UNDER SECTION	9 IBC (IN CIRP)

COUNSEL APPEARED THROUGH VIDEO CONFERENCING:

Sh. Mohd Nazim Khan, PCS.

: For the IRP in person

Ms. Babita Jain, Adv.

: For the Applicant in IA No. 104/2023

Sh. Saurabh Paul, Adv.

: For the Corporate Debtor

ORDER

IA No. 104/2023

This is an IA No. 104/2023 for seeking withdrawal of the main application filed by the applicant Under Section 9 of the Code. As stated by the IRP in the said IA in para 8 that the IRP has received only one claim of Rs.26,06,421.31 from Applicant in the matter from Dr. Ankush Garg on 4th March, 2023, however, on 11th March, 2023 the IRP received Form FA, Application for withdrawal of Corporate Insolvency Resolution Process alongwith Memorandum of understanding both dated 11.03.2023. This is done prior to formation of Committee of Creditors under Regulation 16 of CIRP Regulation, 2016. Operational Creditor i.e. Dr. Ankush Garg submitted in Form FA alongwith Memorandum of understanding that he received Rs.20,00,000/- from Corporate Debtor i.e. Atlanta Mediworld Pvt. Ltd. in full and final settlement of his debt. IRP also confirmed the receipt of an amount of Rs. 1 lac towards estimated cost and fee incurred for the purpose of clause (c) and (d) of Regulation 31 of CIRP Regulation, 2016 on 02.03.2023. Therefore, this IA is filed seeking withdrawal of main

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application filed u/s 9 for CIRP of Corporate Debtor. The Corporate Debtor has been represented now by Ld. Counsel and has no objection to the withdrawal of the application by the applicant himself.

In view of the above, let this application is allowed and the main petition CP No.78/ALD/2020 is permitted to be withdrawn.

Order accordingly. IA stands disposed of. CP is dismissed as withdrawn.

-Sd-

(Ashish Verma)
Member (Technical)

-Sd-

(Praveen Gupta)
Member (Judicial)

16th March, 2023

Bipul Kumar Tiwari
(Stenographer)