

DIVISION BENCH

ITEM NO. 106

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

CP NO (IB)422/ALD/2018

CORAM:

- 1. SHRI RAJASEKHAR V. K,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI VIRENDRA KUMAR GUPTA,
HON'BLE MEMBER (TECHNICAL)**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 2ND NOVEMBER, 2021, 2:30 PM

NAME OF THE COMPANY	VIKAS TIWARI V/S M/S JAIN MFG INDIA PVT LTD
UNDER SECTION	9 IBC

COUNSEL APPEARED THROUGH VIDEO CONFERENCING :

Sh. D.N. Awasthi, Adv. : For the RP
Sh. Ujjawal Satsangi, Adv. : For the Respondent

ORDER

IA NO. 250/2021

Today 27.08.2021 In IA NO. 264/2021 closer of the CIRP has been ordered. Consequently, it appears that the Board of Director of the Corporate Debtor has been restored to its original position.

In view of this CP NO.(IB) 422/ALD/2018 is required to be closed and is ordered accordingly.

Consequently, IA NO. 250/2021 and IA NO. 324/2021 become infructuous and disposed off as such. Files be consigned on records.


**VIRENDRA KUMAR GUPTA
MEMBER (TECHNICAL)**


**RAJASEKHAR V.K.
MEMBER (JUDICIAL)**

IN THE NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH

ITEM NO :3

COURT - I

CP NO.(IB)422/ALD/2018

IN THE MATTER OF:

VIKAS TIWARI

M/S JAIN MFG INDIA PVT LTD

V/S

... APPLICANT

... RESPONDENT

UNDER SECTION 9 IBC

CORAM:

DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)

MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)

ORDER DELIVERED ON 14.09.2021

PRESENT:

FOR THE APPLICANT/ RP

: SH. D.N. AWASTHI, ADV.

ORDER

IA No.250/2021

Application filed U/s 33(1) of the Code seeking liquidation of the Corporate Debtor.

Let, copy of the same be served to the Ex-Directors.

IA NO.271/2021

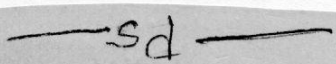
Application filed by the RP seeking clarification of the order dated 27.08.2021 in IA No.264/2021 and IA No.265/2021.

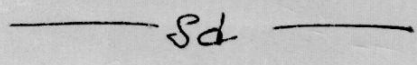
As stated by the Ld. Counsel, IA No.264/2021 and IA No.265/2021 was allowed and disposed of, hence, this application cannot be entertained.

IA No.271/2021 is dismissed and disposed of.

Ld. Counsel Sh. Shubham Agarwal on behalf of the Committee of Creditors (CoC) makes a submission that the liquidation application be deferred as the parties have amicably settled the matter.

List on 2nd November, 2021.


SUMITA PURKAYASTHA
MEMBER (TECHNICAL)


DR. DEEPTI MUKESH
MEMBER (JUDICIAL)

NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH

ITEM NO :4

IA NO. 264/2021 IN
CP NO (IB)422/ALD/2018

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 27.08.2021 AT 10:30 AM THROUGH VIDEO
CONFERENCING.

NAME OF THE COMPANY : VIKAS TIWARI V/S M/S JAIN MFG INDIA PVT. LTD.

SECTION : 60(5) IBC

PRESENT : HON'BLE MR. JUSTICE (RETD.) RAJESH DAYAL KHARE, MEMBER (J)

COUNSEL FOR APPLICANT/ RP : SH. D.N. AWASTHI, ADV.

COUNSEL FOR BVN TRADERS : SH. SHUBHAM AGARWAL, ADV.

IA NO. 264/2021 IN CP NO (IB)422/ALD/2018

The matter was taken up today through Video Conferencing.

Heard Sh. D.N. Awasthi, Advocate for the Applicant/ RP through Video Conferencing, who has filed the present IA No.264/2021 in CP No.(IB)422/ALD/2018 U/s 60(5) of IBC for withdrawal of the CIRP on the ground that all the members of the CoC other than M/s BVN Traders have already agreed for withdrawal of the CIRP and now the only remaining financial creditor M/s BVN Traders consented for withdrawal proceedings of the CIRP and the applicant as submitted withdrawal Form FA due to payment of his dues by him and necessary documents for withdrawal of CIRP process has been filed to enable him to carry on business and revival/ survival of the company, which fact has been intimated by email dated 06.08.2021, a copy of which has also been appended with the present application as Annexure no.5.

In view of the submission made, the present application is hereby allowed. Accordingly, the present IA No.264/2021 stands disposed off.

Dated : 27.08.2021


JUSTICE RAJESH DAYAL KHARE
(MEMBER JUDICIAL)

Typed by :
Kavya Prakash Srivastava
(Stenographer)