


**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH**

**PRESENT: HON'BLE SHRI RATAKONDA MURALI- MEMBER JUDICIAL  
HON'BLE SHRI NARENDER KUMAR BHOLA- MEMBER TECHNICAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 02.01.2020 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA No. 01/2020 in CP(IB) No.515/9/HDB/2019
NAME OF THE COMPANY	SNS Starch Ltd
NAME OF THE PETITIONER(S)	S S V Fab Industries Pvt Ltd
NAME OF THE RESPONDENT(S)	SNS Starch Ltd
UNDER SECTION	9 of IBC

**Counsel for Petitioner(s):**


Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
RITESH MITAL .	IRP.	m.riteshmittal@gmail.com. 9885377421	


**Counsel for Respondent(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

Orders passed in IA 01/2020 vide separate orders.

  
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Member (J)

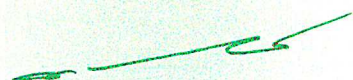


**PER: SHRI RATAKONDA MURALI  
MEMBER (JUDICIAL)**

**ORDER**

1. The Application is filed by the Interim Resolution Professional under Section 12A Read with Regulation 30A (1) (a) of IBBI (CIRP) Regulations, 2016 seeking permission to withdraw the Company Petition i.e. CP (IB) No. 515/9/HDB/2019.
2. The averments relevant to the Application in brief are:-
  - a) This Tribunal vide order dated 20.12.2019 admitted the petition filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 by the Operational Creditor and ordered initiation of Corporate Insolvency Resolution Process against corporate debtor.
  - b) It is stated that pursuant to passing of the order of admission, both the parties agreed to settle the dues vide Memorandum of Understanding dated 23.12.2019. The same is annexed as Annexure-4. The operational creditor filed Form-FA dated 24.12.2019 under Section 12A of I&B Code, 2016 R/w Regulations 30-A(1a) of the Insolvency and Bankruptcy Board of India Regulations, 2016. Copy of Form FA is annexed and marked as Annexure-3 to the Application. The IRP filed other documents which are as follows:-
    - (i) Form-A issued by IRP – Annexure-1
    - (ii) Withdrawal letter dated 23.12.2019 – Annexure-2





- (iii) Form FA received from OC by IRP – Annexure-3
- (iv) Memorandum of understanding- Annexure-4
- (v) Proof of payment of dues- Annexure-5
- (vi) No due Certificate from IRP-Annexure-7
- (vii) Undertaking from Corporate Debtor-Annexure-8
- (viii) Form-FA – Annexure-9

3. We heard the Interim Resolution Professional. It is the case of the Interim Resolution Professional/ Applicant herein that this Tribunal admitted the petition filed under Section 9 of IBC, 2016 on 20.12.2019 for initiation of CIRP, granting moratorium and appointment of IRP. It is further stated by the IRP that both parties entered into memorandum of understanding and resolved to settle the matter amicably.

4. Regulation 30A of IBBI (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2019 read as follows:

- (1) An application for withdrawal under section 12A may be made to the Adjudicating Authority –
  - (a) before the constitution of the committee, by the applicant through the interim resolution professional;
  - (b) after the constitution of the committee, by the applicant through the interim resolution professional or the resolution professional, as the case may be:

Provided that where the application is made under clause (b) after the issue of invitation for expression of interest under regulation 36A, the applicant shall state the reasons justifying withdrawal after issue of such invitation.

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- (2) The application under sub-regulation (1) shall be made in Form FA of the Schedule accompanied by a bank guarantee-
- (a) towards estimated expenses incurred on or by the interim resolution professional for purposes of regulation 33, till the date of filing of the application under clause (a) of sub-regulation (1); or
  - (b) towards estimated expenses incurred for purposes of clauses (aa), (ab), (c) and (d) of regulation 31, till the date of filing of the application under clause (b) of sub-regulation(1)
- (3) Where an application for withdrawal is under clause (a) of sub-regulation (1), the interim resolution professional shall submit the application to the Adjudicating Authority on behalf of the applicant, within three days of its receipt.
- (4) Where an application for withdrawal is under clause (b) of sub-regulation (1), the committee shall consider the application, within seven days of its receipt.
- (5) Where the application referred to in sub-regulation (4) is approved by the committee with ninety percent voting share, the resolution professional shall submit such application along with the approval of the committee, to the Adjudicating Authority on behalf of the applicant, within three days of such approval.

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- (6) The Adjudicating Authority may, by order, approve the application submitted under sub-regulation (3) or(5).
- (7) Where the application is approved under sub-regulation (6), the applicant shall deposit an amount, towards the actual expenses incurred for the purposes referred to in clause (a) or clause (b) of sub-regulation (2) till the date of approval by the Adjudicating Authority, as determined by the interim resolution professional or resolution professional, as the case may be, within three days of such approval, in the bank account of the Corporate Debtor, failing which the bank guarantee received under sub-regulation (2) shall be invoked, without prejudice to any other action permissible against the applicant under the Code. ”.
5. This Application is filed under Section 12A of I & B Code, 2016. The Petition filed under Section 9 of IBC, 2016 by the Operational Creditor is admitted by this Tribunal on 20.12.2019 and ordered Corporate Insolvency Resolution Process against Corporate Debtor. The Interim Resolution Professional reported to the Tribunal that parties settled the matter and requested the Tribunal to withdraw the Petition. The IRP also stated that Corporate Debtor would make payment due to IRP towards expenses incurred for the purposes of regulation 31(c) and (d) till the date of application. The Committee of Creditors is not yet constituted. The procedure prescribed under Regulation 30A of IBBI (Insolvency Resolution Process for Corporate Persons), 2016 has

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been followed. This Tribunal has power under Section 12A Read with Regulation 30A of IBBI (Insolvency Resolution Process for Corporate Persons) 2016 to permit withdrawal of the application even after admission of Petition. Accordingly CP (IB) No.515/9/HDB/2019 is disposed of as Withdrawn under Section 12A of Insolvency and Bankruptcy Code, 2016.

6. The Moratorium under Section 14 stands vacated. The Corporate Debtor is allowed to function independently through its Board of Directors with immediate effect.
7. Accordingly, Application is allowed as prayed for.

  
2.1.2020  
NARENDER KUMAR BHOLA  
MEMBER (TECHNICAL)

  
2.1.20  
RATAKONDA MURALI  
MEMBER (JUDICIAL)

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