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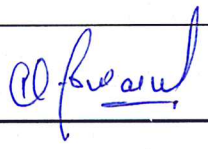
**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

**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 30.08.2019 AT 10.30 AM

| | |
|----------------------------------|---------------------------------------|
| TRANSFER PETITION NO. | |
| COMPANY PETITION/APPLICATION NO. | CP(IB) No.109/9/HDB/2019 |
| NAME OF THE COMPANY | Tangnu Romai Power Generation Pvt Ltd |
| NAME OF THE PETITIONER(S) | Andritz Hydro Pvt Ltd |
| NAME OF THE RESPONDENT(S) | Tangnu Romai Power Generation Pvt Ltd |
| UNDER SECTION | 9 of IBC |

Counsel for Petitioner(s):

| Name of the Counsel(s) | Designation | E-mail & Telephone No. | Signature |
|--|----------------------|---------------------------|---|
| D. Narendral Naidu | Advocate | 98493 87366 | |
| Vikram C Pultapaya M. Srinivas Gowd | Advocate Advocate | 91608 76539 8520979445 |  |

Counsel for Respondent(s):


| Name of the Counsel(s) | Designation | E-mail & Telephone No. | Signature |
|--|-------------|------------------------|---|
| Prashantha M. for Tata Legal, Hyderabad | Advocate | 9925440902 |  |
| | | | |

ORDER

Orders passed vide separate orders. Memo is allowed.

Operational creditor is permitted to withdraw the petition with a liberty to file the same before concerned NCLT.


Member (Technical)


Member (Judicial)

Pavani

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

CP (IB) No. 109/09/HDB/2019
U/s 9 of IBC, 2016
R/w Rule 6 of I & B (AAA) Rules, 2016

In the matter of:

Andritz Hydro Private Limited

Registered office:

D-17, MPAKVN Industrial Area,
Mandideep, District Raisen-462 046.
Near Bhopal(M.P).

Branch Office:

49/5, Mathura Road, Village- Prithla,
District-Palwal,
Faridabad-121 003,
Haryana.

Corporate Office:

Andritz Hydro Private Limited
A-24/3, Mohan Co-operative Industrial Estate,
New Delhi- 110 044.

... Applicant

VERSUS

Tangnu Romai Power Generation Private Limited
#Hari Vishram Lower Panthagatti Shimla,
Shimla,
Himachal Pradesh-171 009.

..Corporate Debtor

Coram

Hon'ble Shri Ratakonda Murali, Member (Judicial)

Hon'ble Shri Narender Kumar Bhola- Member (Technical)

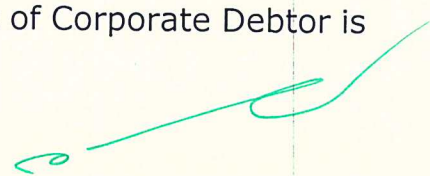
Counsels / parties present:

For Applicant: Mr. D.Narender Naik, D.Rajashekar,
and other counsels.

For Respondent: Mr.V.Harish Kumar, Ms. V.Sheila,
Mr.V.Aneesh and other counsels.

Heard on: 22.08.2019.

ORDER

1. Petitioner is the operational Creditor. Petitioner filed main petition Under Section 9 of I&B Code against Corporate Debtor alleging that Corporate Debtor committed default of Operational Debt. In this case pleadings are completed and main petition was being listed for hearing. While so, on 22.08.2019 Counsel for Operational Creditor and Counsel for Corporate Debtor brought to the notice of Adjudicating Authority that registered office of Corporate Debtor Company is situated in Simla and that this Tribunal has no Jurisdiction to entertain the present petition.
 2. Accordingly the counsels for both parties reported that registered office of Corporate Debtor is situated in Simla therefore this Tribunal has no Jurisdiction to entertain this petition.
 3. We directed Counsel for Operational Creditor to file a memo seeking permission to withdraw the main petition on the ground of lack of Jurisdiction of the Tribunal and with a liberty to file the same before the concerned NCLT Bench.
 4. Accordingly memo was filed by the Counsel for Operational Creditor stating that registered office of Corporate Debtor is
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in Simla and this Tribunal has no jurisdiction to try the petition and requested the Tribunal to permit Operational Creditor to withdraw the petition.

5. Sec 60(1) I&B Code deals with Jurisdiction. NCLT is having Jurisdiction over the place where the registered office of corporate person is located. So on this ground Operational Creditor can be permitted to withdraw the petition with a liberty to file the same before the concerned NCLT Bench having jurisdiction over the place where registered office of Corporate Debtor is located.
6. Petition is not yet admitted. Therefore petitioner/ Operational Creditor can be permitted to withdraw the petition under Rule 8 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules 2016.
7. Accordingly permission is granted. Petitioner is permitted to withdraw the petition with a liberty to file the same before the concerned NCLT Bench having jurisdiction over the matter.
8. Operational creditor is permitted to withdraw the petition with a liberty to file the same before concerned NCLT Bench having Jurisdiction over the place where registered office of the Corporate Debtor is located.
9. Accordingly Operational creditor is permitted to withdraw the petition with a liberty to file the same before concerned NCLT.

NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)

RATAKONDA MURALI
MEMBER (JUDICIAL)

Pavani