

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 104
(IB)-1509(ND)2019
IA/828/2021

IN THE MATTER OF:

M/s. Randstad India Pvt. Ltd ... **Applicant/Petitioner**
Versus
M/s. Dalmia Biz Medicare Ltd ... **Respondent**

Under Section: 9 of IBC Code,2016

Order delivered on 24.02.2021

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)

SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)

PRESENT: Mr. Iswar Mohapatra, Adv for RP

ORDER

By filing this Application, the IRP has prayed for withdrawal of CIRP on the basis of Form FA received from the Operational Creditor, the sole member of CoC.

Heard the Ld. Counsel appearing for the Applicant and perused the averments made in the Application. Ld. Counsel appearing for the RP submitted that in the first CoC meeting held on 14.02.2020, the Operational Creditor, the sole member of the CoC, had informed to withdraw his claim and accordingly, this Application was filed.

He further submitted that since the Form FA was not enclosed earlier, the fresh Application has been filed along with Form FA at page 24 of the Application. He further submitted that at page 7, the constitution of CoC has been referred which shows that the Applicant is the sole member of the CoC.

Considering the submissions and the averments made in the Application, admittedly, the CoC has been constituted and the Operational Creditor on whose Application the CIRP was initiated was the sole member of the CoC. As submitted the Form FA is at page 24 of the Application.



Therefore, it is presumed that approval for withdrawal of the application has been granted by 100% voting of COC. In the course of hearing, the IRP submitted that he has received the full fee and expenses.

Considering this, we think it proper to permit the IRP to withdraw the Application admitted under Section 9.

Hence, **the Application (IB)-1509(ND)2019 is Dismissed as withdrawn.**

With this, **the present IA stands disposed of.**



**(L.N. GUPTA)
MEMBER (T)**



**(ABNI RANJAN KUMAR SINHA)
MEMBER (J)**