

Mentioned Matter

**In the National Company Law Tribunal
Kolkata Bench
Kolkata.**

**Present: 1. Hon'ble Member (J) Shri Jinan K.R.
2. Hon'ble Member (T) Shri Harish Chander Suri**

CA(IB) No. 1067/KB/2019

in

CP (IB) No. 1717/KB/2018

M/s. Texchem (India)

-Versus-

M/s. Bhowmik Dyeing And Bleaching Private Limited

O R D E R

Ld. Interim Resolution Professional appointed in CP(IB) No. 1717/KB/2018 has mentioned the matter and submitted that he has filed an application on 13/08/2019 which was numbered as CA(IB) No. 1067/KB/2019. It was an application filed recording settlement of the claim of the Operational Creditor and has not so far listed for hearing and prays for considering the application on today. He was directed to submit his first Progress Report on 02/09/2019 vide order dated 06/08/2019 in C.P.

Being satisfied with the submissions for moving this application urgently, we called for the CA and heard the Resolution Professional. The CA is an application filed u/s. 12A of the Insolvency and Bankruptcy Code, 2016 for the reasons that the Corporate Debtor has settled the claim of the Operational Creditor and the Interim Resolution Professional was instructed to file this application in the case in hand. According to him Committee of Creditors (in short, 'CoC') has not been constituted though he has initiated the process by issuing publication.

Therefore, before constituting the CoC seeking permission to close it, otherwise inconvenience may be caused. He submits that no claim has been received from any of the creditors of the Corporate Debtor till the filing of this application pursuant to publication of public announcement on 05/08/2019.

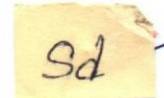
Being satisfied that a Demand Draft of Rs. 2,30,000/- satisfying the claim of the Resolution Professional towards CIRP cost and fees payable to the IRP and that the matter was settled out of the Tribunal, the prayer for withdrawal is liable to be allowed. Accordingly, the application is allowed. The entire proceedings in the CP is hereby closed by advancing the CP to this date.

File consigned to records.

Urgent certified copy of the order be issued, if applied for, upon compliance of all requisite formalities.



(Harish Chander Suri)
Member (T)



(Jinan K.R.)
Member (J)

Signed on this, the 26th day of August, 2019.

hb.