

**DIVISION BENCH
COURT - I**

O-102

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/19(KB)2019

**Present: 1. Hon'ble Member(J), Shri Rajasekhar V.K.
2. Hon'ble Member(T), Shri Balraj Joshi**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 06th December, 2021, 10:30 A.M

Name of the Company	VEDIC PROJECT PVT LTD Vs. SIMPLEX PROJECT LTD		
Under Section	IBC under Sec 7		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

Counsel / Authorised Representative appeared through video conference:

1. No attendance has been sent by the Ld. Counsel.
2. This is a petition filed under section 7 of the Code, seeking initiation of CIRP against the corporate debtor on the ground of default in payment of a sum of Rs. 10,36,47,148/- under a sub-contracting arrangement. It is the case of the petitioner that they have executed the project under a sub-contract dated 16.06.2010. it is also averred that the Irrigation Department, Govt of UP, which entered into the main contracting arrangement with Simplex Projects Ltd, the corporate debtor herein, has been paid by the Govt in full. In spite of this, the petitioner has not been paid.
3. This is a petition that, at best, has all the ingredients of a section 9 petition. The corporate debtor has also raised this point at para 4 of the reply.
4. When this was pointed out, Ld Counsel for the petitioner sought leave to withdraw the present petition, with liberty to file a fresh petition under section 9 of the Code.
5. Considering the circumstances, CP (IB) No.19/KB/2019 is dismissed as withdrawn, with liberty to file a fresh petition in accordance with law.

Balraj Joshi
Member (Technical)

Rajasekhar V.K.
Member (Judicial)