



**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT – IV**

**Item No. 405**  
**IB/21/ND/2023**

**IN THE MATTER OF: I**

Orbit Electromech India Pvt. Ltd.	...	Applicant
Versus		
RRP Solution Private Ltd.	...	Respondent

**Order under Section 9 of IBC, 2016.**

**Order delivered on 24.08.2023**

**CORAM:**

**MR. MANNI SANKARIAH SHANMUGA SUNDARAM,**  
**HON'BLE MEMBER (JUDICIAL)**  
**DR. BINOD KUMAR SINHA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Shubham Saigal, Adv.  
Mr. Raturaj Bankar, Adv.  
For the Respondent :

**ORDER**

Heard the submissions made by Learned Counsel for the Operational Creditor. It has been submitted that the order dated 24.07.2023 has been complied with and an affidavit has been filed yesterday i.e. 23.08.2023. However, the same is not reflected on e-portal of this Adjudicating Authority. Learned Counsel for the Operational Creditor submitted that as per the order dated 09.08.2023 costs has been paid to 'Bharat Kosh'. After perusal of the documents, It is noticed by this Adjudicating Authority that cost have been paid in the account of Hon'ble NCLAT, rather than in the account of NCLT. Be that as it may, as the cost is paid in 'Bharat Kosh', we accept the same. Learned Counsel for the Operational Creditor has also submitted that as per the provisions of MSME Act, the Operational Creditor was eligible to charge interest at the rate of 16.2% per annum, whereas in the



application filed before us it has calculated interest at the rate of 24% per annum. It has been admitted by the Learned Counsel for the Operational Creditor that if the interest is calculated in terms of the provisions of MSME Act, the total claim shall not meet the threshold under Section 4 of Insolvency & Bankruptcy Code, 2016. Therefore, Learned Counsel for the Operational Creditor has sought permission to withdraw the present application i.e IB/21/ND/2023 filed under Section 9 of Insolvency & Bankruptcy Code, 2016 before its admission. In view of the submissions made by Learned Counsel for the Operational Creditor, the present application i.e. IB/21/ND/2023 stands dismissed as it is not maintainable on account of the pecuniary threshold as prescribed under Section 4 of the Insolvency & Bankruptcy Code, 2016.

**Sd/-**

**DR. BINOD KUMAR SINHA  
MEMBER (TECHNICAL)**

Mukesh

**Sd/-**

**MANNI SANKARIAH SHANMUGA SUNDARAM  
MEMBER (JUDICIAL)**