

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.203

New IA-845/2022

IN

IB-1393(ND)/2019

IN THE MATTER OF:

M/s. Diamond Traexim Pvt. Ltd.

.... APPLICANT/PETITIONER

Vs.

M/s. Victory Infraprojects Pvt. Ltd.

.... RESPONDENT

SECTION

U/s 7 IBC code 2016

Order delivered on 28.02.2022

CORAM:

SHRI BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL)

SHRI NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Adv Rishi Singhal for IRP

For the Respondent : IRP Pawan Kumar Goyal

ORDER

New IA-845/2022 :

This is an Application filed under Section 12A of the I&B Code, 2016 read with Regulation 30A (1) (b) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and Rule 11 of the NCLT Rules, 2016 for withdrawal of the Application along with the supporting affidavit.

Counsel for the Financial Creditor is present. Counsel for the IRP is also present and submits that the Financial Creditor in the present matter has already filed its claim in another CIRP which has been initiated under IB-1397/PB/2019 through the Principal Bench of this Tribunal against the Corporate Guarantor to the Corporate Debtor in the present matter. The name of the said Corporate Guarantor is Indirapuram Habitat Centre Private Limited.



counsel

In this connection, Counsel for the Financial Creditor submits that his client has already filed its claims before the Resolution Professional appointed in the matter relating to IB-1397/PB/2019 and his client does not wish to continue with the present CIRP proceedings against the Corporate Debtor, namely, Victory Infraprojects Private Limited.

It is further submitted by the Counsel for the IRP that there is no other Creditor on the Committee of Creditors with respect to the present CIRP proceedings as also the relevant Resolution seeking withdrawal of the present CIRP proceedings against the Corporate Debtor has been approved through 100% Voting Share. The relevant Resolution is also filed along with the present Application.

Counsel for the IRP confirms that he has received full & final amount of remuneration as well as the expenses incurred with respect to the present CIRP.

After going through the present Application and hearing the submissions made by the Counsel, we hereby allow withdrawal of the petition under IB-1393/ND/2019 in terms of Section 12A of IBC, 2016.

In the present matter, the IRP stands discharged of his duties under IBC, 2016. Further, Registrar of Companies, Delhi is directed to restore the status of the Company as not under CIRP with immediate effect.

In view of this, the present IA stands **disposed of** and the main matter is also **disposed of** as being withdrawn.

Let the Files and papers be consigned to Records Room.



(BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL))



(NARENDER KUMAR BHOLA)
MEMBER (TECHNICAL)