

**THE NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH  
(through web-based video conferencing platform)**

IA No.790/2022  
in  
CP(IB) No.101/Chd/Pb/2020  
(Admitted)  
Under Section 12A of the IBC, 2016

**In the matter of:-**

Yamuna Fertilizer

...Petitioner

Versus

Gopal Ji Garments Private Limited

...Respondent

**Order delivered on 26.07.2022**

**Coram: HON'BLE SHRI HARNAM SINGH THAKUR, MEMBER (JUDICIAL)  
HON'BLE SHRI SUBRATA KUMAR DASH, MEMBER (TECHNICAL)**

**Present through Video Conferencing:**

Mr. Raghav Kakkar, Advocate for the Applicant

**PER: HARNAM SINGH THAKUR, MEMBER (JUDICIAL)**

**ORDER**

**IA No.790/2022**

The instant application has been filed by the Interim Resolution Professional on behalf of the operational creditor under Section 12A of the Insolvency and Bankruptcy Code, 2016 ('**Code**') read with Regulation 30A(3) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 ('**CIRP Regulations**') for withdrawal of CP(IB) No.101/Chd/Pb/2020.

2. It is stated by learned counsel for the applicant that this Adjudicating Authority, vide order dated 27.06.2022 (Annexure 1) admitted the petition filed by the petitioner-M/s Yamuna Fertilizer and initiated Corporate Insolvency Resolution Process ('**CIRP**') of the corporate debtor and appointed Ms. Shilpa Singhal,

Insolvency Professional, as the Interim Resolution Professional.

3. The necessity to file the present application has arisen on account of the fact that Form-FA dated 04.07.2022 (Annexure 2) has been duly signed and sent by the operational creditor to the Interim Resolution Professional, requesting termination of the CIRP against the corporate debtor in view of the settlement arrived on behalf of the operation creditor and the suspended directors on behalf of the corporate debtor.

4. It is submitted by learned counsel for the applicant/IRP that public announcement (Annexure 3) was published on 29.06.2022, whereby the last date for submission of claim was 11.07.2022, however, till date the applicant has not received any claim from the creditor(s) of the corporate debtor. It is further submitted by learned counsel for the applicant/IRP that corporate debtor has made the payment towards the cost incurred during the CIRP period and has also paid the professional fees of the IRP, payable for the period of CIRP of the corporate debtor and that the operational creditor has complied with the provisions of Code. It is further averred that in compliance of the provisions of the Code, the present application has been filed within the stipulated period of 3 days from the date of receiving of Form-FA dated 04.07.2022. Accordingly, it is prayed by learned counsel for the applicant/IRP that the present application for withdrawal may kindly be allowed and company petition bearing *CP (IB) No.101/Chd/Pb/2020; M/s Yamuna Fertilizer Vs. Gopal Ji Garments Private Limited* may kindly be permitted to be withdrawn by taking on record Form-FA dated 04.07.2022.

5. We have heard the learned counsel for the applicant/IRP and have gone through the record carefully.

6. Keeping in view the facts and circumstances mentioned in the application and in view of the submissions made by learned counsel for the applicant/IRP, the present application for withdrawal of CP(IB) No.101/Chd/Pb/2020 is allowed and Form FA dated 04.07.2022 is ordered to be taken on record. Therefore, CP(IB) No.101/Chd/Pb/2020 is dismissed as withdrawn. As a consequence, moratorium declared under Section 14 of the Code comes to an end and the corporate debtor is discharged from the claims in lieu of the said petition and is free from the rigors of the Code and Regulations made thereunder. Henceforth, the IRP is discharged and the Board of Directors is restored to its original position. Thus, IA No.790/2022 is disposed of.

Sd/-  
**(Subrata Kumar Dash)**  
**Member (Technical)**

July 26<sup>th</sup>, 2022  
NB

Sd/-  
**(Harnam Singh Thakur)**  
**Member (Judicial)**