



NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH
COURT VI

Item No. 3

IA(I.B.C)/ 1640(MB)2025 IN RCP(IB)/ 3(MB)2025

CORAM:

SHRI SAMEER KAKAR
HON'BLE MEMBER (TECHNICAL)

SHRI NILESH SHARMA
HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF HEARING (HYBRID) DATED **08.04.2025**

NAME OF THE PARTIES: **Capacite Infraprojects Ltd.**

Vs

Radius Sumer Developers Pvt Ltd

In the matter of

Capacite Infraprojects Limited

Vs

Radius Sumer Developers Private Limited

For Applicant/RP: (in IA/1640/2025) - Adv. Mr. Rohit Gupta a/w Adv. Ms.

Bhookika Lodhe

For Respondent: Adv. Ms. Shivani Deshmukh i/b Mulla Associates

Sections 9, 12(A)/Regulation 30A of IBC

ORDER

1. Ld. Counsel Mr. Rohit Gupta for the Applicant is present in physical mode, Ld. Counsel Ms. Shivani Deshmukh for the Respondent is present through VC.

2. This is an application filed under Section 12-A of IBC, 2016 seeking the following prayers:

(a) The Hon'ble Court be pleased to allow the withdrawal of the present RCP (IB) No. 03/MB/2025 under Section 12A of the Insolvency and Bankruptcy Code, 2016, read with Regulation 30A of the Insolvency and Bankruptcy Board of India



(Insolvency Resolution Process for Corporate Persons)
Regulations, 2016;

(b) Any other order that this Hon'ble Tribunal may deem fit in the facts and circumstances of this case;

(c) Costs of the present Application;

3. It is stated that the Corporate Debtor was admitted to CIRP while order dated 18.03.2025. It is further stated that the IRP has received Form-FA from the Operational Creditor. Form-FA is appended on page no. 18 & 19 and is dated 26.03.2025.
4. It was stated by the Counsel for the IRP that COC has not been formed till now. Learned Counsel for the IRP pleaded that this application may be allowed as they have received the entire dues and nothing is receivable by them from the Corporate Debtor/Operational Creditor towards costs and expenses.
5. Ld. Counsel Ms. Shivani Deshmukh for the Operational Creditor states that the entire consideration by way of allotment of flats has since been received by them and no cause survives for them too.
6. Considering that Form-FA has been filed along with this present application, the IRP has received the entire dues and the Operational Creditor has also received the dues, we deem it fit to allow the present application. Prayer-A is hereby allowed. The Corporate Debtor is released from the rigors of law and is allowed to function through its own board.



7. IRP is discharged from the said assignment **accordingly, this application is disposed of.**

Sd/-
SAMEER KAKAR
MEMBER (TECHNICAL)
//Arshad//

Sd/-
NILESH SHARMA
MEMBER (JUDICIAL)