


**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATHI BENCH**

PRESENT: HON'BLE JANAB MOHAMMED AJMAL - MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 20.01.2020 AT 10.30 AM

TRANSFER PETITION NO.	IA NO. 01/2020 in TCP (IB) NO. 08/9/AMR/TP/2019
COMPANY PETITION/APPLICATION NO.	CP (IB) NO. 433/9/HDB/2019
NAME OF THE COMPANY	Sarabambika Power Plant Pvt Ltd
NAME OF THE PETITIONER(S)	Nitin Coal Pvt Ltd
NAME OF THE RESPONDENT(S)	Sarabambika Power Plant Pvt Ltd
UNDER SECTION	9 OF IBC

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
G. Blupesh	Advocate	9966622805	

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Fax Vishwa Raj G. Sucharithra	Advocate	9390896969	G. Sucharithra

ORDER

IA No. 01 of 2020:

Counsel for both the sides are present. IA No. 01 of 2020 filed on 01.01.2020 is taken on board today. Notices have been served. The counsel appearing for the Respondent has no objection to the prayer made therein. Orders during the course of the day.

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MEMBER JUDICIAL

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Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

ORDER

The Company Petition is dismissed as withdrawn as per order dated 20.01.2020 in IA No. 01 of 2020.


MEMBER JUDICIAL

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NCLT Amravati Bench
IA No. 01/2020 in
TCP (IB) No. 08/9/AMR/TP/2019
[CP (IB) No. 433/9/HDB/2019]

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT HYDERABAD**

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**IA No. 01 of 2020 in
TCP (IB) No. 08/9/AMR/TP/2019
[CP (IB) No. 433/9/HDB/2019]**

**In the matter of M/s Saradambika Power Plant Private Limited
&
In the matter of an Application under Section 60(5) of the Insolvency and
Bankruptcy Code, 2016 read with Rule 11 and other applicable provisions
of the National Company Law Tribunal Rules, 2016**

Between

M/s Nitin Coal Private Limited,
A-2/4, Vijayanand Society,
Dhantoli, Near Lokmat, Nagpur,
Maharashtra-440 012.

... **Applicant**

and

M/s Saradambika Power Plant Private Limited,
Plot No. 15, Radha Krishna Nagar Colony,
Near Konna Street, Opp. PSNMH School.
Srikakulam, Andhra Pradesh- 532 001,
India.

... **Respondent**

Date of Order: 20.01.2020

CORAM:

Hon'ble Janab Mohammed Ajmal, Member Judicial.

Appearance:

For Applicant : Mr. G. Bhupesh, Advocate.
For Respondent : Mr. Maharshi Viswaraj, Advocate.

ORDER

This is an Application under rule 8 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 2016 (the Rule for short)
seeking withdrawal of the Company Petition.

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2. The Applicant herein, an Operational Creditor of the Respondent (Corporate Debtor), brought in an Application under section 9 of the Insolvency and Bankruptcy Code, 2016 (the Code for short). It is stated in the Application that the Corporate Debtor in his counter alleged that Demand Notice under Form 3 was not served and requested for its rejection. However, the Applicant in his Interlocutory Application has prayed to receive an additional document evidencing the proof of service of the Demand Notice as having served on the email address of the Director of the Corporate Debtor. In order to avoid the discrepancy the Applicant/ Operational Creditor has decided to withdraw the Company Petition CP (IB) No. 433/9/HDB/2019 seeking liberty to file a fresh Petition after a proper Demand Notice. It accordingly filed the present Application seeking leave of this authority to withdraw the Company Petition.
3. The matter was heard. The Respondent raised no objection to the Application nor did file a counter.
4. Rule 8 of the Rules permits withdrawal of the Application made *inter alia* under Rule 6 of the Rules, before its admission. The Company Petition filed at the instance of the Applicant is one under section 9 of the Code read with Rule 6 of the Rules. Since the Petitioner (Applicant) seeks its withdrawal, it can be allowed. Hence ordered.

ORDER

The application be and the same is allowed without contest. TCP (IB) No. 08/9/AMR/TP/2019 {CP (IB) No. 433/9/HDB/2019} is dismissed as withdrawn. The Applicant/Petitioner however is at liberty to file a fresh Application, if so advised, in case the cause of action survives. There would however be no order as to costs.


MOHAMMED AJMAL
MEMBER JUDICIAL