



DIVISION BENCH
COURT - II

S-2

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/1064(KB)2019
IA(I.B.C)/865(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 02ND SEPTEMBER, 2022, 02:00 P.M

IN THE MATTER OF	H.B. TRADERS PRIVATE LIMITED VS SHREE BHAGIRATHI AGRO PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 7

Counsel / Authorised Representative appeared physically/through video conference:

For IRP : Ms. Shreya Choudhary, Adv.
Mr. Sanjeev Jhunjhunwala, IRP in person

For Corporate Debtor : Mr. Shahrukh Raja, Adv.

ORDER

1. Ld. Counsel for the IRP present. IRP is present in person. Ld. Counsel for the Corporate Debtor present.
2. **IA(IBC)/865(KB)2022**
 - (a) This application has been filed by the IRP u/s. 12A of the Code read with regulation 30A of the IBBI (Insolvency Resolution Process for Corporate Persons), Regulations, 2016.
 - (b) Ld. Counsel for the IRP submits that the matter has been settled between the Financial Creditor and the Corporate Debtor amicably. Ld. Counsel for the IRP further submits that Form FA dated 17/08/2022 (**Annexure 'F'**) has been received from the Financial Creditor and no CoC was formed.
 - (c) IRP also submits that his fees and CIRP cost has been paid in full by the petitioning Financial Creditor.
 - (d) In the present case, since no CoC was constituted, the present application u/s. 12A of the Code cannot allow. However, this application is allowed under Regulation 30A of the IBBI (Insolvency Resolution Process for Corporate Persons), Regulations, 2016 allowing



withdrawal of CP(IB)/1064(KB)2019. Therefore, it is ordered as follows:-

- (i) CIRP initiated against the Corporate Debtor *vide* order dated 06/07/2022 is hereby closed;
 - (ii) The Board of Directors of the Corporate Debtor is restored to its original position;
 - (iii) The IRP is discharged from his responsibility;
 - (iv) The IRP is directed to handover to the Board of Directors of the Corporate Debtor all its assets and books of account and other documents immediately.
3. With the above directions both the IA(IBC)/865(KB)2022 and CP(IB)/1064(KB)/2019 along all pending applications shall stand disposed of.
 4. File be consigned to the records.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)

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