

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/64(KB)2019
IA(I.B.C)/583(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI HARISH CHANDER SURI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 22ND JUNE, 2022, 10:30 A.M

IN THE MATTER OF	TATA HITACHI CONSTRUCTION MACHINERY COMPANY PVT LTD VS SEVEN HILLS PROJECT PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 9

Counsel / Authorised Representative appeared physically/through video conference:

For IRP : Mr. Subodh Kumar Agrawal, IRP

For OC : Mr. Vijay Nath Jha, Adv.

ORDER

1. IRP is present in person. Ld. Counsel for the Operational Creditor present.
IA(IBC)/583(KB)2022
2. This application has been moved by the IRP u/s. 12A of the IBC, 2016 read with regulation 30(A)(1)(a) of the IBBI (Insolvency Resolution Process for Corporate Person) Regulations, 2016.
3. Mr. Subodh Kumar Agrawal, Interim Resolution Professional, appears in person in the matter. Mr. Vijay Nath Jha, Ld. Counsel for the Operational Creditor submits that the petitioning Operational Creditor and the Corporate Debtor have settled the matter amicably. IRP has published public announcement in "Form – A"¹ in newspapers on 25/05/2022. IRP further submits that "Form-FA"² dated 14/06/2022 has been received from the Advocate of the petitioning Operational Creditor for withdrawal of CIRP via e-mail on 15/06/2022. It is

¹ At page 36 of the application

² At page 37 of the application

submitted by the IRP that Committee of Creditors was not constituted and his fees and costs in CIRP has been paid in full by the petitioning Operational Creditor.

4. Since there are no other claims and cost of CIRP including fees of IRP has been paid in full, there can be no objection for withdrawal of the underlying Company Petition, bearing CP(IB)/64(KB)2019. Therefore, it is ordered as follows: -
 - (a) CIRP initiated against the Corporate Debtor vide order dated 24/05/2022 is hereby closed;
 - (b) The Board of Directors of Corporate Debtor is restored to its original position;
 - (c) The IRP is discharged from his responsibility;
 - (d) The IRP is hereby directed to handover to the Board of Directors of the Corporate Debtor all its assets and books of account and other documents immediately.
5. With the above directions both the IA(IBC)/583(KB)2022 and CP(IB)/64(KB)2019 shall stand disposed of.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

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