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**NATIONAL COMPANY LAW TRIBUNAL
AMRAVATHI BENCH**

PRESENT: HON'BLE JANAB MOHAMMED AJMAL -MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 13.12.2019 AT 10.30 AM

TRANSFER PETITION NO.	IA NO.36/2019 (AMR) in TCP(IB) NO. 15/9/AMR/TP/2019
COMPANY PETITION/APPLICATION NO.	CP(IB) NO. 253/9/HDB/2019
NAME OF THE COMPANY	Gautami Chemicals And Pesticides Pvt Ltd
NAME OF THE PETITIONER(S)	P L Industries
NAME OF THE RESPONDENT(S)	Gautami Chemicals And Pesticides Pvt Ltd
UNDER SECTION	9 OF IBC

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
V. Venkata Ram Reddy	Advocate	9542239039	V. Venkata Ram Reddy

Counsel for Respondent(s):

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

ORDER

IA No. 36 of 2019:

Counsel for the Applicant is Present. The Application is allowed vide separate sheets. The CP is allowed to be withdrawn.

TCP (IB) No. 15/9/AMR/2019 {CP (IB) No. 253/9/HDB/2019}:

The Company Petition is dismissed as withdrawn under Rule 8 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 as per the order dated 13.12.2019 in IA No. 36 of 2019. The Petitioner, if so advised, is at liberty to initiate a fresh petition in case the cause of action survives and limitation permits. There would however be no order as to costs.


MEMBER JUDICIAL

NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT HYDERABAD

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IA No. 36 of 2019 in
TCP No. 15/9/AMR/TP/2019
[CP (IB) No. 253/9/HDB/2019]

In the matter of M/s Gautami Chemicals and Pesticides Private Limited

&

***In the matter of an Application under Rule 82 of the NCLT Rules, 2016,
seeking withdrawal of the Petition filed under Section 9 of the IBC, 2016
read with Rule 6 of IBC (AAA) Rules, 2016***

Between

M/s P L Industries,
D. No. 1-39/2, Chagallu Post & Village,
Chagullu Mandal,
West Godavari District - 534 342.

... **Applicant**

and

M/s Gautami Chemicals and Pesticides Private Limited,
Regd. Office: D. No. 3-315,
Hukumpet, Rajahmundry,
Andhra Pradesh - 533 107.

... **Respondent**

Date of Order: 13.12.2019

CORAM:

Hon'ble Janab Mohammed Ajmal, Member Judicial.

Appearance:

For Applicant : Mr. V. Venkata Rami Reddy, Advocate.
For Respondents : Mr. V. Suryanarayana, Advocate.

ORDER

This is an Application under rule 8 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (the Rule for short) (mistakenly filed under section 82 of the NCLT Rules, 2016) seeking withdrawal of the Company Petition.

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), claiming default in payment of an operational debt to the tune of Rs. 5,89,272/- (Rupees Five lakhs eighty nine thousand two hundred and seventy two only) against the Respondent. While the matter was being heard the petitioner felt that the Petition may not succeed due to some typographical and manual errors in the notice as well as the nomenclature of the Applicant Firm (Operational Creditor) in the Company Petition. 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 it file a counter.
4. Rule 8 of the Rules permits withdrawal of the Application made *inter alia* under 6 Rule 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 on contest. TCP (IB) No. 15/9/AMR/TP/2019 {CP (IB) No. 253/9/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 and limitation permits. There would however be no order as to costs.

sd/-

**MOHAMMED AJMAL
MEMBER JUDICIAL**