

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

I.A. No. 5172 of 2023

IN

Comp. App. (AT) (Insolvency) No. 1402 of 2023

In the matter of:

**Rabindra Prasad Singh,
(Suspended Director of Food and Biotech Engineers
India Pvt. Ltd.)**

....Appellant

Vs.

M/s. Swastik Armaan Steels Pvt. Ltd. & Anr.

...Respondents

For Appellant

**Mr. Abhijeet Sinha, Mr. N.K. Sharma, Mr. Deepak
Gautam, Mr. Nitin Sharma, Mr. Vinod Kumar,
Advocates.**

For Respondents

**Mr. Anup Kumar, Ms. Neha Jaiswal, Ms. Shruti
Singh, Mr. Shivam Kumar, Advocates
Mr. Animesh Khandelwal, Mr. Deepanshu Latka,
Advocates for IRP**

ORDER

08.11.2023: Heard Learned Counsel for the parties.

2. This Appeal has been filed against the order dated 16.10.2023 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Court V, by which order Section 9 Application filed by the Respondent herein was admitted.

3. I.A. No.5172 of 2023 has been filed by the Appellant bringing on record the Settlement between the parties dated 31.10.2023. It is submitted by the Appellant that the entire payment has already been made which fact has been admitted by the Counsel appearing for the Operational Creditor. It is

submitted that the fee and expenses of the IRP has also been paid which has not been disputed by the Counsel for the IRP.

4. Learned Counsel for the parties submits that in view of the entire payment having been made, no purpose shall be served in continuing of the CIRP.

5. In view of the above facts, we are of the view that the order passed on 16.10.2023 is set aside and settlement is taken on record. All pending IAs stand disposed of. The Appeal is disposed of accordingly.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

**[Arun Baroka]
Member (Technical)**

Anjali/nn