

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH (COURT – II)**

**Item No. 105**  
**(IB)-210/ND/2021**  
**Cont. Petition-12/2022**

**IN THE MATTER OF:**

**Bangalore Airport Terminal Services Pvt. Ltd. ... Applicant**

**Versus**

**Go Airlines (India) Ltd. ... Respondent**

**Under Section: 9 of IBC, 2016**

**Order delivered on 09.05.2022**

**CORAM:**

**SHRI ABNI RANJAN KUMAR SINHA, SHRI HEMANT KUMAR SARANGI**  
**HON'BLE MEMBER (JUDICIAL) HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For Applicant - Senior Counsel, Mr. Ritin Rai a/w Ms. Alya Khan a/w  
Ms. Chandni Dewani i/b Vashi and Vashi  
Mr. Aditya Madaan & Mr. GP Madaan (Advocates for the Respondent)

**ORDER**

**Cont. Petition-12/2022-** Mr. Aditya Madan has appeared on behalf of the Respondents. Heard the Ld. Counsel appearing for the applicant as well as the other side and perused the averments made in the application as well as the order dated 9<sup>th</sup> August 2021 passed in IA-3384/2021. The main grievance of the applicant is that in terms of settlement arrived between the parties, the applicant had filed an application for withdrawal of CP-IB No. 210/2021.

The Ld. Counsel appearing for the applicant submits that since the withdrawal was permitted in terms of the settlement arrived between the parties and other party has not complied the terms and conditions of the settlement, therefore, there is a disobedience of order passed by this Adjudicating Authority. Hence, the respondent is liable to punish under the Contempt Act.

In terms of the submissions made on behalf of the counsel, we again perused the order dated 9<sup>th</sup> August 2021 and we noticed that vide order dated 9<sup>th</sup> August, 2021, we permit the applicant to withdraw the IB No. 210/2021. Accordingly, the said application was dismissed as withdrawn and we have not given any directions for making payment in terms of settlement arrived in between the parties. Therefore, if there is any breach of terms and conditions

(Sapna)

of the agreement, then the applicant is at liberty to avail the other remedies available under the law.

In our considered view, there is no need to initiate the contempt proceeding against the respondent in terms of order dated 9<sup>th</sup> August 2021.

**Accordingly, the present application is dismissed.** However, the applicant is at liberty to take appropriate step available under the law.

- Sd -

**(HEMANT KUMAR SARANGI)**  
**MEMBER (T)**

- Sd -

**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**