



NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH
COURT- V

11) IA/1095/2021
C.P. (IB)/1072(MB)2020

CORAM:

SMT. ANURADHA SANJAY BHATIA
Member (Technical)

SHRI H. V. SUBBA RAO
Member (Judicial)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON **02.08.2022**.

NAME OF THE PARTIES: SAMATA NAGARI SAHKARI PATSANSTHA
MARYADIT KOPARGAON
VS

Yeshodeep Infrastructure Pvt Ltd

UNDER SECTION 7 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

IA 1095 of 2021:

The above application is filed by RP for withdrawal of CIRP process against the Corporate Debtor under Section 12A of the Code. Mr. Raghunath Sarangapani, PCA appeared for the applicant-RP and mentioned that no CoC has been constituted in the above case as there is a settlement between the parties. Learned Counsel appearing for the RP also submits that the Financial Creditor has submitted Form-FA dated 10th May 2021 for withdrawal of the above CIRP.

However, at this stage, authorized representative of Samata Nagri Sahakari Patsanstha Maryadit, opposed the above application filed by the RP for withdrawal of CIRP under Section 12A of the Code on the ground that RP has already made public announcement and received claims aggregating to a tune of Rs. 36.22 crores including the claim of the objector in a sum of Rs. 13.89 crores. Since the objector has legal remedy to proceed against the



Corporate Debtor and no CoC is constituted in the above matter, the objections raised by the objector are liable to be rejected.

Accordingly, IA 1095 of 2021, application filed by RP is **allowed** by withdrawing the CIRP order dated 16.04.2021 passed against the Corporate Debtor by releasing the Corporate Debtor from all the rigour of the moratorium.

SD/-

ANURADHA SANJAY BHATIA
Member (Technical)

SD/-

H. V. SUBBA RAO
Member (Judicial)

/n/