

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**Item No. 3**  
**(IB)-1632(PB)/2018**

**IN THE MATTER OF:**

Indus Tubes Ltd. .... Applicant/petitioner  
v.  
The Indure Pvt. Ltd. .... Respondent

**Order under Section 9 of Insolvency & Bankruptcy Code, 2016**

**Order delivered on 03.05.2019**

**Coram:**

**CHIEF JUSTICE (RTD.) M. M. KUMAR**  
**HON'BLE PRESIDENT**

**SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the applicant : Mr. S.P Singh Chawla, Adv.  
For the Respondent: Mr. Sanyam Goel, IRP

**ORDER**

**CA-843(PB)/2019:-**

This is an application filed under Rule 11 of the NCLT Rules, 2016 with a prayer for disposal of Company Petition No. (IB)-1632(PB)/2018 admitted on 12.04.2019.

2. According to the averments made in the application, the CoC has not been constituted and following the dicta of the judgment of Hon'ble the Supreme Court in the case of Swiss Ribbons Pvt.Ltd. & Anr. v. Union of India and Ors. (Writ Petition (C) No. 99 of 2018 decided on 25.01.2019), such a course is permissible provided the CoC has not been constituted. The aforesaid position emerges from the perusal of the para 52 of the said judgment.





3. Notice of the application.
4. Learned Interim Resolution Professional Mr. Sanyam Goel is present in the court and accepts notice. He states that the CoC is yet to be constituted and in response to public notice claims by only one claimant namely the applicant-Operational Creditor has been received. Learned IRP further states that all his dues/expenses stand paid and nothing is due/outstanding.
5. In view of the aforesaid and following the dictum of para 52 of the judgment rendered in the case of Swiss Ribbons Pvt. Ltd. & Ors. (Supra), we accept the prayer made in the application and permit the withdrawal of the CP No. (IB)-1623(PB)/2018. It is needless to say that all directions including the moratorium under Section 14 of the Code, 2016 would stand nullified.

Company Petition No. (IB)-1623(PB)/2018 and CA-843(PB)/2019 stand disposed of.

Sd/-

**(M. M. KUMAR)**  
**PRESIDENT**

Sd/-

**(S. K. MOHAPATRA)**  
**MEMBER (TECHNICAL)**