

IN THE NATIONAL COMPANY LAW TRIBUNAL**KOCHI BENCH, KERALA****IBA/50/KOB/2019****&****M.A.30/KOB/2020***(Under Section 12A of IBC 2016 r/w Regulation 30A(1)(a) & 30A(3) of the IBBI**(IRPCP) 2016)***Order delivered on: 29.05.2020**Coram:**Hon'ble Mr. Ashok Kumar Borah, Member (Judicial)****In the matter of:****Cerem Tech Innovative Ceramic Engineering (M) Sdn Bhd & Mariya Healthcare Private Limited)**

Baiju P, Interim Reolution Professional
 Mariya Healthcare Private Limited
 Room No.7/845-D-6, 3rd floor
 Koyenco Bazar, SM Street, Calicut
 Kerala-673001

...Applicant

Vs.

1.Cerem Tec Innovative Ceramic Engineering (M)Sdn Bhd
 Lot B No.17&18, Lorong, Bunga Tanjung,
 3/1 Senawang Industrial Park
 700400 Seremban, Nageri Sembilian Darul Khuss
 Malaysia.

2. Mariya Health care Private Limited]
 No.2/212, Anakakai, Munnekkar PO, Karimba
 Palakkad, Kerala-678597.

..Respondents

Appearance: (through Video Conferencing)

For applicant

... Advocate Reetha D

For Respondents

... Advocate Shajimon for R1 &

.....Advocate George G Poothicote for R2

ORDER

1. This Application has been filed by Baiju P, Interim Resolution Professional (hereinafter referred to as 'IRP') on 19.03.2020 by invoking

the provisions of Section 12A of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I & B Code') read with Regulation 30A (1) (a) and 30A(3) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for the following relief:

- i. To pass an order for withdrawal of the application bearing case number IBA/50/KOB/2019 admitted under Section 9 of the Insolvency and Bankruptcy Code.
2. The counsel appearing for IRP submitted that the case was admitted on 04.03.2020 against Mariya Healthcare Private Limited (hereinafter referred to as 'Corporate Debtor'). Pursuant to the above order, the IRP has made public announcement in Palakkad and Ernakulam Editions of Malayalam and English newspapers on 07.03.2020. As per the public announcement the last date for receipt of the claim was on 20.03.2020.
3. The IRP further stated that on 13.03.2020, the suspended Managing Director of the Corporate Debtor, Mr. Joseph Jose informed the IRP that he has settled the dues of M/s Ceram Tech Innovative Ceramic-Engineering (M) Sdn Bhd (hereinafter referred to as 'Operational Creditor') and on behalf of the Corporate Debtor he has paid the full amount of USD 20080 equivalent to INR 14,99,712 claimed by the Operational Creditor.

4. Accordingly, the Operational Creditor on 19.03.2020 submitted Form -FA to the IRP for withdrawal of Corporate Insolvency Resolution Process and stated that Operational Creditor agrees to withdraw the application IBA/50/KOB/2019 filed under Section 9 of the Insolvency and Bankruptcy Code, 2016.
5. The Operational Creditor has also informed the IRP that they have received the claim amount of USD 20080 (INR 14,99,712). IRP further stated in the application that he has received an amount of Rs.1,00,000 towards her fee and Rs.1,13,396 towards the expenses including paper publication cost incurred till date from the Operational Creditor and IRP confirmed that no amount is pending from the Operational Creditor towards the CIRP Cost.
6. The counsel appearing for Insolvency Resolution Professional, Operational Creditors and Corporate Debtor appeared through Video Conferencing and jointly prayed for withdrawal of this IBA No.50/KOB/2019.
7. In view of the above, MA/30/KOB/2020 is closed and IBA/50/KOB/2019 is disposed of as withdrawn. No costs.

Dated the 29th day of May, 2020

Ashok Kumar Borah
Member (Judicial)