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**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH – I, CHENNAI**

**Rst. A/6/CHE/2021 in IBA/1233/2019**

*(Filed Under Rule 11 of the National Company Law Tribunal  
Rules, 2016)*

*In the matter of **M/s. Oren Hydrocarbons Private Limited***

**M/s. Amitex Agro Products Private Limited,**

401, A Wing, Eureka Towers,  
Behind Toyota Showroom,  
New Link Road,  
Malad West, Mumbai – 400 064.

*... Applicant / Operational Creditor*

**-Vs-**

**M/s. Oren Hydrocarbons Private Limited**

28/2, B. Saravana Street,  
T. Nagar, Chennai – 600 017.

*... Respondent / Corporate Debtor*

*Order Pronounced on 4<sup>th</sup> October, 2021*

CORAM :

**R. SUCHARITHA, MEMBER (JUDICIAL)  
ANIL KUMAR B, MEMBER (TECHNICAL)**

*For Applicant : V. Srinivasan, Advocate*

*For Respondent : Gajalakshmi, Advocate*

**ORDER**

**Per: R. SUCHARITHA, MEMBER (JUDICIAL)**

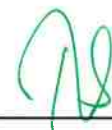
This is an Application filed before this Tribunal by M/s. Amitex Agro Products Private Limited (*hereinafter referred as "Applicant/Operational Creditor"*) under Rule 11 of National Company Law Tribunal, 2016 seeking relief as follows:

- a) To allow the present application and pass an order to revive the Application filed under section 9 of the Insolvency and Bankruptcy Code, 2016 i.e., IBC/1233/C1/2019 in the interest of justice.
- b) To pass an order directing the Corporate Debtor to pay the balance amount as per the Joint Memo of Compromise with interest in the interest of justice.
- c) To pass any other order(s) as this Hon'ble Adjudicating Authority may deem fit and proper in the interest of justice.

2. From the averments made in the Application, it is seen that the Applicant has originally filed an Application before this Tribunal viz. IBA/1233/2019 and this Tribunal vide its Order dated 10.02.2020 has disposed of the said Application by passing the following order:

Ld. Counsels for the parties are present. It is represented by the Counsel for the Petitioner that a Joint Memo of Compromise ("JMC") has been filed by the parties today before this Tribunal. In terms of JMC as filed by the parties, the Petitioner seeks to withdraw this petition with liberty to be granted to the Petitioner to come before this Tribunal in case the Corporate Debtor fails to adhere to the terms of the JMC. In the circumstances, this petition stands **dismissed as withdrawn** with liberty being granted to the Petitioner to file afresh for the balance remaining unpaid by the Corporate Debtor in terms of JMC. File to records.

3. Thereafter, it is averred in the Application that, the Corporate Debtor has failed to honour its terms as per the Joint Memo of Compromise (JMC) as entered into between the parties. Under such circumstances, the Applicant has filed the present Application seeking thereof to revive the IBA/1233/2019 back on the file of this Tribunal.



4. Before proceeding into the merits of this Application, it is seen that the Corporate Debtor is already undergoing CIRP by the Order of this Tribunal dated 24.02.2021 passed in IBA/938/2019. Under such circumstances, the prayers as sought for by the Applicant had become redundant and the Applicant is directed to file the claim before the IRP, who has been appointed by this Tribunal in IBA/938/2019.

5. With the above said directions, the Application stands **closed.**

-sd-  
(ANIL KUMAR B)  
MEMBER (TECHNICAL)

-sd-  
(R. SUCHARITHA)  
MEMBER (JUDICIAL)

*Raymond*