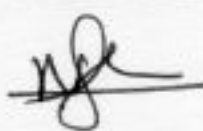


Allahabad Bench

CP No. (IB) 346/ALD/2018,
CA No. 281/2019ATTENDENCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 20.09.2019

NAME OF THE COMPANY: Usha Martin Ltd V/s Rudra Auto Tech Engineering Pvt Ltd

SECTION OF I & B CODE: 9 & 12A IBC

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	NIRAJ KUMAR SINGH	Adv	Operational Creditor	
2.				

Ms. Babita Jain, PCS for Applicant/ IRP Mr. Rakesh Singh Senger present in person and Sh. Niraj Kumar Singh, Advocate for the operational creditor are present.

A supplementary affidavit has been filed on behalf of applicant/ IRP.

Heard learned counsel appearing for applicant/ IRP.

The present application (CA No.281/2019) has been filed under Section 12A of the Insolvency and Bankruptcy Code, 2016 read with Regulation 30A of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation 2016 for withdrawal of the petition (CP No.(IB)346/ALD/2018) U/s 9 of the IBC.

Ld. PCS appearing for applicant/ IRP submitted that form FA has been filed by Mr. Hemant Kumar Joshi, Authorized Signatory of Operational Creditor company (Usha Martin Ltd.).

She further submitted that in this case, CoC has not yet been held, so the present application (CA No.281/2019) has been filed under Regulation 30A of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation 2016 before constitution of the CoC.

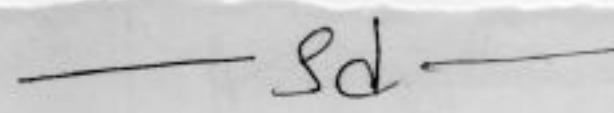
She further submitted that she has also filed a supplementary affidavit by which the Power of Attorney is given to the Authorized Signatory Mr. Hemant Kumar Joshi duly signed by Mr. Praveen Kumar Jain, Joint Managing Director. So, the applicant/ IRP may be permitted to withdraw the present petition.

Considering the submissions made by the petitioner and as per the submission of Ld. PCS for applicant that CoC has not been constituted and that is the reason, the present application has been filed under Section 12A of the Insolvency and Bankruptcy Code, 2016 read with Regulation 30A(1)(a) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation 2016.

Therefore, this Adjudicating Authority approved the application (CA No.281/2019) filed by applicant/ IRP.

Accordingly, CP No.(IB)346/ALD/2018 is dismissed as withdrawn.

The present CA No.281/2019 stands disposed off.



Dated: 20.09.2019

A.R.K SINHA
MEMBER (J)