

DIVISION BENCH
COURT - I

S-1

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/375(KB)2021
IA(I.B.C)/1501(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR.
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 30TH NOVEMBER, 2022, 10:30 A.M

IN THE MATTER OF	SHIB SHANKAR RUNGTA PROPRIETOR OF S.S. RUNGTA & COMPANY VS WEAVERLY JUTE MILLS PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 9

Appearances (via video conferencing/physical)

Mr. Udit Agarwal, Adv. : For Operational Creditor

Mr. Rishav Banerjee, Adv. : For IRP / Applicant
Mr. Swarup Ghosh, IRP
Bidisha Achari, PCS

O R D E R

1. Ld. Counsel for the Operational Creditor present. Ld. Counsel/Authorized Representative for IRP/Applicant present.
2. **IA(I.B.C)/1501(KB)2022**
 - i. This IA has been filed under Rule 11 seeking withdrawal of the petition admitted under Section 9 by this Adjudicating Authority on 15th of November, 2022.
 - ii. It is stated, parties settled between themselves before the constitution of CIRP. Averments in this regard are contained at para 5 and 11 of this IA. This IA is supported by an affidavit of IRP at page 22. It is stated that the cost to the tune of Rs. 2,41,819/- including the RP fees has been paid to the IRP.

- iii. While exercising the inherent power under Rule 11 of NCLT Rules, 2016, Since the Committee of Creditors has not been constituted and Form FA has also been annexed at page 47 of IBC, we allow this application.
- iv. C.P. (IB)/375(KB)2021 is **dismissed as withdrawn**. The moratorium shall cease to have effect. IRP is discharged of his responsibilities. The board of the corporate debtor is restored to its original status.
- v. This IA is accordingly allowed and **disposed of, and consequently** C.P. (IB)/375(KB)2021 is dismissed as withdrawn.
- vi. File be consigned to the records.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)