

**NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI BENCH**

**CORAM:**

(IB)-1567(ND)2019

**PRESENT: MR. L.N. GUPTA**  
**HON'BLE MEMBER(T)**

**MS. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 31.10.2019**

**NAME OF THE COMPANY: M/s. Brij Mohan Sharma V/s. M/s. AL-Nafees Proteins Pvt. Ltd.**

**SECTION: 9 of IBC, 2016**

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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**Present for the Petitioner:** Mr. Mohit, Advocate &  
Mr. R. P. Bhardwaj, IRP

**Present for the Respondent:** Ms. Ekta Singh, Advocate

**ORDER**

CA-1411/19 has been filed by the petitioner praying for withdrawal of the proceedings. It is observed that the CIR process was set into motion vide order dated 16.10.2019. The Id. IRP had taken steps to invite claims vide publication in daily newspaper "Financial Express" & "Jansatta" both dated 19.10.2019. It is confirmed by the IRP Mr. Ramphal Bhardwaj who is present in court that till 30<sup>th</sup> October, 2019 i.e. the last date given in the publication, no claim had been received against the Corporate Debtor and therefore, there has been no CoC constituted as yet.

Given the facts and circumstances of the case, termination of the CIR process is permitted in terms of the direction of the Hon'ble Apex Court in the

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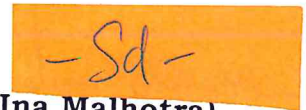
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matter of Swiss Ribbon Pvt. Ltd. Vs. Union of India, WP(Civil) No. 99/2018, wherein a compromise between the parties before constitution of the coc can entitle the parties to seek termination of the CIR process before the Adjudicating Authority. In view of the same, the prayer made in application for withdrawal of the proceedings is being considered as one for termination of the CIR process. Copy of the settlement has been placed on record. Full and final settlement of the petitioner's claim has been made and nothing further survives.

In view of the directions of the Hon'ble Apex Court in the aforementioned case, there is no legal impediment in terminating the CIR process. Accordingly, the CIR process stands terminated. The Corporate Debtor is released from the rigors of moratorium and is permitted to function through its own Board. Disposed off accordingly. File be consigned to the Record Room.



**(L.N. Gupta)**  
**Member (T)**



**(Ina Malhotra)**  
**Member (J)**