

**NATIONAL COMPANY LAW TRIBUNAL  
AMARAVATI BENCH  
(Video Conference)**

**PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL  
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 12.10.2022 AT 11.00 AM**

TC/CP. Nos.	CA/IA No.	Section/ Rule	Name of Parties
CP(IB)No.41/9/AMR/2020	IA(IBC)/243/2022	12A of IBC	Mr. Srinivas Gudla Rao, IRP of Pragati Engineering & Rail Projects Private Limited

**Counsel for Petitioner(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**Counsel for Respondent(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

**IA(IBC)/243/2022:**

Counsel for the Applicant is present. IA (IBC)/243/2022 is allowed, vide separate orders.

Sd/-  
**JUSTICE TELAPROLU RAJANI  
MEMBER JUDICIAL**

**NATIONAL COMPANY LAW TRIBUNAL  
AMARAVATI BENCH AT MANGALAGIRI**

**IA No.243 of 2022  
IN  
CP (IB) No.41/9/AMR/2020**

**Under Section 12A of the Insolvency and Bankruptcy Code, 2016  
Read with Regulation 30A of IBBI (Corporate Insolvency  
Resolution Process) Regulations, 2016**

In the matter of  
**M/s. PRAGATI ENGINEERING & RAIL PROJECTS PRIVATE  
LIMITED**

**BETWEEN:**

Mr. Srinivas Gudla Rao,  
Interim Resolution Professional for  
M/s. Pragati Engineering & Rail Projects Private Limited,  
Regd.No.IBBI/IPA/001/IP-P02093/2020-2021/13333,  
Flat No.A-1, Br's Princeton Apartments,  
CBM Compound, VIP Road,  
Visakhapatnam, AP -530003

.... Applicant/IRP

**Date of Orders pronounced on: 12.10.2022**

**Coram:**

**Justice Telaprolu Rajani, Member Judicial.**

**Parties/Counsels present:**

For the Applicant : Ms.Manoranjani, Advocate

**ORDER**

1. This application is filed by the Applicant under Section 12A of the Insolvency and Bankruptcy Code, 2016 Read with Regulation 30A of IBBI (Corporate Insolvency Resolution Process) Regulations, 2016, seeking to withdraw the CP (IB) No.41/9/AMR/2022, which is admitted by this Tribunal vide its order dated 30.09.2022. Though Section 12A only permits the application to be filed with approval of ninety nine percent voting share of the Committee of Creditors, which means that it has to be filed only after the constitution of Committee of Creditors (CoC), Regulation 30A(1)(a) of the IBC (CIRP) Regulations, 2016 permits such application to be filed before the constitution of CoC. Regulation 30A(1)(a) of the IBC (CIRP) Regulations, 2016, is reproduced under:

*“30-A Withdrawal of application – (1) An application for withdrawal under Section 12-A may be made to the Adjudicating Authority –  
(a) before the constitution of the committee, by the applicant through the Interim Resolution Professional”*

2. The IRP states that complete fee was received and filed Form- FA. The same is recorded. Hence I do not find any reason to disallow the application. The IA(IBC)/243/2022 is allowed and permission

is granted to withdraw the Petition. Hence, CP (IB) No.41/9/AMR/2020 is dismissed as withdrawn.

Accordingly, CP (IB) No.41/9/AMR/2020 along with IA(IBC)/243/2022 are disposed of.

**Sd/-**

**JUSTICE TELAPROLU RAJANI**  
**MEMBER JUDICIAL**

*Swamy Naidu*