

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 27.08.2021 AT 10:30 AM THROUGH VIDEO CONFERENCING.

NAME OF THE COMPANY : EDELWEISS ASSET RECONSTRUCTION COMPANY LTD
V/S TRIFALAGUR SQUARE INFRASTRUCTURE PVT LTD

SECTION : 12A IBC

PRESENT : HON'BLE MR. JUSTICE (RETD.) RAJESH DAYAL KHARE, MEMBER (J)

COUNSEL FOR APPLICANT : SH. UTKARSH SRIVASTAVA, ADV.

IA NO.262/2021 IN CP NO.(IB)63/ALD/2019

The matter was taken up today through Video Conferencing.

Heard Sh. Utkarsh Srivastava, Advocate for the Applicant through Video Conferencing, who has filed the present IA No.262/2021 in CP No.(IB)63/ALD/2019 U/s 12A of IBC praying for withdrawal of CP No.(IB)63/ALD/2019 duly admitted vide order dated 29.07.2021 passed by this Tribunal triggering CIRP against the Corporate Debtor. It is contended that on account of the reasons detailed in para no.3 of the present application, the present withdrawal application has been filed, as in the present case, CoC have not been constituted and no claim has been received, therefore the present application has been filed U/s 12A of IBC read with Regulation 30A of the CIRP Regulations and Rule 11 of the NCLT Rules, 2016.

In view of the submission made, this Court is of the opinion that the present application deserves to be allowed. Accordingly, the present IA No.262/2021 is hereby allowed and stands disposed off. No order as to cost.

Dated : 27.08.2021


JUSTICE RAJESH DAYAL KHARE
(MEMBER JUDICIAL)

Typed by :
Kavya Prakash Srivastava
(Stenographer)