

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P. (IB) No.253/BB/2019
U/s 9 of IBC, 2016
R/w Rule 6 of I&B (AAA) Rules, 2016

In the matter of:

M/s. SSP Private Limited
13, Milestone,
Mathura Road,
Faridabad – 121 003 (HR). - Petitioner/Operational Creditor

Versus

M/s. Athani Sugars Limited
Regd. Off: Vishnuanna Nagar,
Post Navalihal, Taluka Athani,
Dist. Belgaum,
Karnataka – 591 234. - Respondent/Corporate Debtor

Date of Order: 22nd July, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (Technical)

Parties/Counsels Present:

For the Petitioner : None
For the Respondent : None

ORDER

Per: Dr. Ashok Kumar Mishra, Member (Technical)

1. C.P. (IB) No.253/BB/2019 is filed by M/s. SSP Private Limited ('Petitioner/Operational Creditor') under Section 9 of the IBC, 2016 read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, by inter alia seeking to initiate Corporate Insolvency Resolution Process (CIRP) in respect of M/s. Athani Sugars Limited ('Respondent/Corporate Debtor') on the ground that the Corporate Debtor has committed default for a total outstanding amount of

Rs.66,11,862/- (Rupees Sixty Six Lakhs Eleven Thousand Eight Hundred and Sixty Two Only) along with interest at the rate of 18% p.a. thereon from the due date.

2. The Petition was filed before the Bench on 10.05.2019 and on scrutiny of the application, the Registry has raised certain office objections on 17.05.2019, and the same were sent by email to the Counsel on 17.05.2019. However, the office objections were not complied within the time granted, and the case was listed on 04.07.2019 for non-compliance of office objections, and on that day neither the Petitioner nor Counsel for the Petitioner appeared before the Tribunal.
3. On perusal of the records, it shows that the case is not being prosecuted diligently. Therefore, the case was posted under the caption "**For Dismissal**" on 22.07.2019. Today also neither the Petitioner nor Counsel for the Petitioner appeared before the Tribunal. It shows that the Petitioner is not interested to prosecute the case, and therefore, the Petition is liable to be dismissed for default for non-compliance of office objections.
4. In the result, C.P. (IB) No.253/BB/2019 is dismissed for default for non-compliance of office objections. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL