

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH - II  
CHENNAI

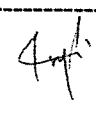

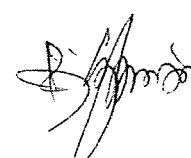

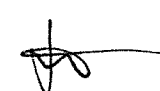
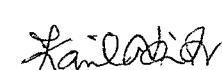
(44)

MENTION CASE

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 10.30 AM ON 09/09/2019

PRESENT: SHRI B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)  
SHRI S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

APPLICATION NUMBER : MA/951/2019 IN MA/945/2019  
PETITION NUMBER : CP/885/IB/2018  
NAME OF THE PETITIONER : PRIYA S ANAND  
NAME OF THE RESPONDENTS : S P SARASWATHI & 5 OTHERS  
UNDER SECTION : Sec 60(5)

S.No.	Name (in Capital)	Represented by	Signature
1.	N.P. VIJAY KUMAR R. PRADEEP	Self for Applicant	
2)	PRIYA S ANAND	IRP of MPL Labs Private Ltd.	
3)	R. SPURGEN DAVID	SPA	
4)	SUNIL B. SHANKAR	Sundaram BNP Partners Home Finance Ltd	
5)	S. SATHIYANARAYANAN	Counsel for R5 (Sundaram BNP Partners Home fin Ltd)	
6)	KAUSHIK S V SHARMA	Counsel for R1	

[MA/951/2019 in MA/945/2019 in CP/885/IB/2018]

ORDER


On the mentioning made by the IRP counsel, by filing an application before this Bench for recalling the order passed on 06.09.2019 dismissing the Company Petition on the withdrawal request made by the Operational Creditor in CP/885/IB/2018, we, regret to mention that I erroneously allowed MA/945/2019 filed by the Operational Creditor for withdrawal of the Company Petition after the CoC was constituted and the same was intimated to the Corporate Debtor on 04.09.2019.

MA/945/2019 was allowed under the impression that the CoC was not constituted as on the date of filing this MA/945/2019 before this Bench because in the said MA, it was mentioned that CoC was not yet constituted as on the date of filing the MA.

That MA itself should have been filed by the IRP, but whereas the Operational Creditor filed the MA, by that time, the IRP already intimated the Operational Creditor as well as the Corporate Debtor about constitution of CoC on 04.09.2019 itself.

However, error having committed from my side, we hereby recall the Order dated 06.09.2019 with liberty to the Petitioner in CP/885/IB/2018 to approach the IRP as contemplated under the Statute.

Accordingly, MA/951/2019 filed for recalling the order dated 06.09.2019 is hereby **allowed** by **dismissing** MA/945/2019 filed by the Operational Creditor for withdrawal of CP/885/IB/2018.

  
(S.VIJAYARAGHAVAN)  
Member (Technical)

  
(B.S.V.PRAKASH KUMAR)  
Member (Judicial)