



**NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH**
(through web-based video conferencing platform)

Item No. 03
IA No. 458/JPR/2023
CP No. (IB)- 17/9/JPR/2022
Under Section 9 of IBC, 2016

In the matter of:

Ankit Traders through Sole Prop. Mr. Ankit Kumar Goel
... Operational Creditor/Applicant
Versus
Super Shine Agrofoods Pvt. Ltd. ... Corporate Debtor/Respondent

Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER
HON'BLE MR. RAJEEV MEHROTRA, TECHNICAL MEMBER

Present Through Video Conferencing: -

For the Applicant : Kunal Godhwani, Adv.
Saumil Sharma, Adv. for IRP

ORDER

Heard Mr. Saumil Sharma, Adv. appearing for the IRP. Mr. Kunal Godhwani, Adv. appearing for the Petitioner/ Operational Creditor. The present Application has been filed under Section 12A of IBC, 2016 read with Regulation 30A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for seeking permission to withdraw the matter admitted under Section 9 of the IBC, 2016. It is stated in the Application that the Operational Creditor has submitted Form FA as prescribed under Regulation 30 A of the CIRP Regulations, 2016 and as approved by the CoC in the 3rd meeting of CoC held on 14.08.2023 to the Applicant IRP. It is stated by the Learned Counsel for the

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Applicant that the CoC constitutes of only one member i.e. Financial Creditor State Bank of India.

Further, it is clarified that the Applicant has undertaken not to pursue this matter on the basis of the settlement reached between the parties. It is a sound principle of law that filing of an Application includes its withdrawal consequently the present Application has been filed under Section 12A of the Code, 2016 whereby the Applicant with his prudence and knowledge agreed to the withdrawal as the dues have been satisfied between the parties therefore, we are inclined not to grant any further liberty to the Applicant to re-approach this Adjudicating Authority for the cause of action against the same Corporate Debtor for the purposes of recovery of its operational dues.

In view of the settlement between the Operational Creditor and the Corporate Debtor *vide* MoU dated 07.07.2023, this application is allowed. **CP No. (IB)-17/9/JPR/2022** is dismissed as withdrawn.



(Rajeev Mehrotra)
Technical Member



(Deep Chandra Joshi)
Judicial Member

August 21, 2023