

**NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
BENGALURU BENCH, BENGALURU, HELD ON 11.02.2020

PRIORITY CAUSE LIST – 1

PRESENT: 1. Hon'ble Member (J), Shri Rajeswara Rao Vittanala
2. Hon'ble Member (T), Shri Ashutosh Chandra

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB) No. 159/BB/2017	Remanded from NCLAT - CIRP	Sec 9 of I&B code 2016	Rajeev Shetty	Ashish Krupakar	Skyline Construction and Housing Pvt Ltd	Mr. S Vishwanthan , IRP

ADVOCATE FOR PETITIONER/s:

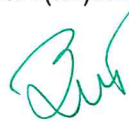
ADVOCATE FOR RESPONDENT/s:

NONE PRESENT

ORDER

None appeared for both the parties.

C.P.(IB)No.159/BB/2017 is dismissed by separate order.



MEMBER(T)

Puja



MEMBER(J)

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

C.P (IB)No.159/BB/2017
U/s 9 of IBC, 2016
R/w Rule 6 of I&B(AAA) Rules, 2016

In the matter of:

Rajeev Shetty

Flat No.401, "Rathnagiri Residency"
No.272, 3rd Main Road, ISRO Layout,
Bangalore - 560 111.

- Petitioner/Operational Creditor

Versus

M/s.Skyline Construction & Housing Pvt. Ltd

No.407, 4th Floor, Devatha Plaza,
Residency Road,
Bangalore - 560 025.

- Respondent/Corporate Debtor

Date of Order: 11th February, 2020

- Coram:**
1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
 2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsel Present:

For the Petitioner : Shri Ashish Krupakar
For the Respondent : Shri Deepak B.

ORDER

Per: Rajeswara Rao Vittanala, Member (Judicial)


1. C.P.(IB)No.159/BB/2017 is filed by Rajeev Shetty ('Petitioner/Operational Creditor') U/s 9 of the IBC, 2016, R/w Rule 6 of the I&B (AAA) Rules, 2016, by inter alia seeking to initiate Corporate Insolvency Resolution Process (CIRP) in respect of M/s.Skyline Construction & Housing Pvt. Ltd ('Respondent/Corporate Debtor'), on the ground that it has committed default for an amount of



Rs.58,68,768/- (Rupees Fifty Eight Lakhs Sixty Eight Thousand Seven Hundred and Sixty Eight Only) with 18% interest from 10.06.2015.

2. The Adjudicating Authority, after considering the matter has admitted the case, vide order dated 27th November, 2019, by initiating CIRP, appointing Mr. S. Viswanathan, as IRP, imposing moratorium etc.
3. Aggrieved by the order, Mr. Dhiraj Prabhu, Promoter of M/s.Skyline Construction & Housing Pvt. Ltd. (Corporate Debtor) has filed Company Appeal (AT) (Insolvency) No.1501 of 2019 before the Hon'ble NCLAT. Basing on the settlement made between the parties, the Appeal was allotted by an order dated 07.02.2020 by setting aside the impugned order dated 27th November, 2019.
4. Since, the Hon'ble NCLAT has already set aside the impugned order dated 27th November, 2019, passed by this Adjudicating Authority, there is nothing to remains to be adjudicated in the case , and thus it became infructuous.
5. In the result, C.P.(IB)No.159/BB/2017 is dismissed as infructuous.


(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

Puja