

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

**(IB)-966(ND)/2019**

**CORAM:**

**PRESENT: DR. V. K. SUBBURAJ**  
**HON'BLE MEMBER(T)**

**MS. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 04.06.2019**

**NAME OF THE COMPANY: M/s. Ann Buildtech V/s. M/s. JMDR Infra Projects Pvt. Ltd.**

**SECTION OF THE COMPANIES ACT: 9 of IBC, 2016**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
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**Present: Mr. Varun Jain and Ms. Sonika Sharma, Advocates for the Petitioner**

**ORDER**

CA 713/2019 has been filed by the Operational Creditor praying for termination of the CIR process. This petition had been admitted vide an order dated 17.05.2019 pursuant to which Mr. Kanti Mohan Rastogi has been appointed as the IRP in this case.

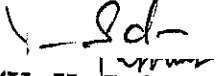
It is submitted that though the publication has been made and certain claims have been received. The COC has not been constituted as yet. In view of the same, Ld. Counsel for the applicant has placed reliance on the decision of the Hon'ble Apex Court in the matter of 'Swiss Ribbons Pvt. Ltd. & Anr. Vs. Union of India & Ors.', W.P.(C) 99/2018'. Keeping in view that COC is yet to be constituted, the petitioner is entitled to seek termination of the CIR process as his claims have been settled in full. Mr. Rastogi has appeared and has


confirmed that no COC has been constituted as he had received information about the settlement. He prays for reimbursement of his expenses and fees.

Bills of Rs. 20,733/- have been tendered. In view of the same, it would be reasonable to quantify the professional fees and expenses at Rs. 55,000/-.

The same to be reimbursed to the IRP within 2 days.

The petition has been disposed off. File be consigned to records.

  
**(V. K. Subburaj)**  
**Member (T)**

  
**(Ina Malhotra)**  
**Member (J)**