

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH (COURT - II)**

**Item No. 212**  
**(IB)-402/ND/2021**

**IN THE MATTER OF:**

**Mr. Maraj Ali Rizvi** ... **Applicant/Petitioner**

**Versus**

**JS Hospitality Service Pvt. Ltd.** ... **Respondent**

**Under Section: 9 of IBC, 2016**

**Order delivered on 14.02.2022**

**CORAM:**

**SHRI BACHU VENKAT BALARAM DAS,**  
**HON'BLE MEMBER (J)**

**SHRI L.N. GUPTA,**  
**HON'BLE MEMBER (T)**

**PRESENT:**


Adv. Sheepali Patial for OC

**ORDER**

On the last date i.e., on 12.01.2022, the main petition was restored basing on the prayer and submissions made by the Ld. Counsel appearing for the applicant. Later, she had wished to withdraw the application on the ground that it is barred by the pecuniary jurisdiction of this Adjudicating Authority. Today, she has reiterated her prayer to withdraw the main petition.

Since, the Ld. Counsel for the Applicant has knowingly concealed the fact regarding the application being barred by pecuniary jurisdiction while pressing for the Restoration Application i.e., RA-04/2022, in our considered view, this amounts to abuse of the process of law. In the circumstances, we permit withdrawal of the main petition (IB)-402/ND/2021 subject to deposit of cost of Rs.10,000/- in the Prime Minister's Relief Fund within 03 days.

**Accordingly, the (IB)-402/ND/2021 is Dismissed as Withdrawn.**

  
**(L. N. GUPTA)**  
**MEMBER (T)**

  
**(BACHU VENKAT BALARAM DAS)**  
**MEMBER (J)**