

**In the National Company Law Tribunal  
Kolkata Bench  
Kolkata.**

**Present: 1. Hon'ble Member (J) Shri Jinan K.R.  
2. Hon'ble Member (T) Shri Harish Chander  
Suri**

**CA(IB) No. 1028/KB/2019  
In CP(IB) No. 971/KB/2018  
RDC Concrete (India) Pvt. Ltd.  
-versus-  
Simplex Infrastructures Ltd.**

**O R D E R**

Ld. Sr. Counsel, Mr. S. K. Kapoor, mentioned the **CA(IB) No. 1028/KB/2019** filed by the promoter/Shareholder of the CD for recording settlement and closure of further proceedings in the CP(IB) No. 971/KB/2018 at the registry on today, praying for calling the application to the Bench and to pass an order of disposal of CP(IB) No. 971/KB/2018 for the reason of settlement of the claim of the OC immediately after the order of admission. According to him if an order is not passed on today itself it would work great injustice to the CD, since the IRP took steps to proceed with the CIRP. A joint affidavit signed by the authorised signatories of OC and CD also brought to our notice proving settlement. Being satisfied with the affidavit filed along with the application and the urgency trying to set up by the Ld. Sr.Counsel being found satisfactory, we are inclined to hear the application without

serving notice to the OC. Accordingly the CA is called for. We heard the Ld. Sr. Counsel for the applicant and Ld. Counsel for the IRP.

According to Ld. Sr. Counsel appearing for the Corporate Debtor in view of the full and final settlement of the debt due to the OC it is just and proper to exercise the inherent powers of the Tribunal under Rule 11 of NCLT Rules, 2016 and to close all the proceedings, otherwise the IRP would proceed further which would work inconveniences and economical loss to the CD. Ld. Counsel appearing for the Interim Resolution Professional submits that he was instructed to file an interim application u/s. 12A as the matter was settled out of the Tribunal.

Upon hearing the arguments and considering the Joint affidavit filed along with the application, we are satisfied that the matter was settled out of the Tribunal after the order of admission. The Ld. Counsel for the IRP submits that publication calling for claim was issued and no further steps taken in view of reporting settlement by the CD. In view of the above said peculiar circumstances it appears to us that no purpose would be served in continuing with the proceeding further. This application therefore deserves consideration and accordingly, we are closing the further proceedings ordered to be initiated by the IRP as per the order dated 09.08.2019 by directing the Interim Resolution Professional not to proceed with the matter. The Ld. Interim Resolution Professional who appeared in person also submits that his fee and advertisement cost has been paid to him.

Sd

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In the result CA (IB) No. 1028/KB/2019 is disposed of by closing all further proceedings in the CP(IB) No. 971/KB/2018. There is no order as to costs.

Registry is directed serve a copy of this order to the OC, CD and to the IRP by way of e-mail forthwith.

This order is to be uploaded forthwith.



(Harish Chander Suri)  
Member (T)



(Jinan K.R.)  
Member (J)

Signed on this, the 19th day of August, 2019.

hb.