

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V

Item No.-516
IB-190/ND/2021
NEW IA/5544/2021

IN THE MATTER OF:

SKY Gourment Catering Pvt. Ltd.

V/s.

Spicejet Ltd

....Applicant

....Respondent

SECTION

U/s 9 IBC

Order delivered on 30.11.2021

CORAM:

SHRI ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

SHRI AVINASH K. SRIVASTAVA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Adv. Shikhil Suri , Adv. Komal Gupta and Adv. Mahima Aggarwal

For the Respondent : Varun K Chopra

ORDER

By filing this application, the applicant has prayed to withdraw the present company petitioner bearing no. IB-190/ND/2021.

Heard the Ld. counsel for the applicant and perused the averments made in the application. Ld. Counsel for the applicant submits that apart from the prayer to withdraw the application, he has also made prayer to (b) Stand over the present Company Petition No. (IB) 190 (ND) of 2021 for a period of three months to ensure timely compliance with the terms of the said Settlement Agreement (c) Permit withdrawal of the present Company Petition No. IB-190/2021 subject to timely compliance of the payment obligations by the Respondent under the said Settlement Agreement dated 10.11.2021 (d) In the event of a default in making payments as agreed under the said Settlement Agreement dated 10.11.2021, grant liberty to the Applicant/Petitioner to approach this Hon'ble Tribunal to revive the present Company Petition No. IB-190/2021 (e) Pass any other order which the Hon'ble Tribunal deems fit.



Considering the submissions and prayers made in the application, in our considered view, since, the prayers made in the application are conditional, therefore, we are not inclined to allow the same, accordingly, the present application is hereby dismissed.

In course of writing of the order, Ld. Counsel for the applicant submits that at present, he wishes not to press the prayer (b) and (d) of the application, rather, he is pressing prayer (a) and (c) of the application.

Considering the submissions, the order of dismissal of application is hereby recalled.

The applicant is permitted to withdraw the present application in terms of the settlement agreement dated 10.11.2021. Accordingly, the present petition bearing no. IB-190/ND/2021 is **dismissed as withdrawn**. However, the petitioner is at liberty to take appropriate steps in accordance with the provision of law, in the case of default of payment.

Sd/-

(AVINASH K. SRIVASTAVA)
MEMBER (T)

Sd/-

(ABNI RANJAN KUMAR SINHA)
MEMBER (J)