

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH, COURT NO. II  
KOLKATA**

**I.A. No. 486/KB/2023**

**I.A. No. 664/KB/2022**

**In**

**CP(IB)No. 80/KB/2020**

*An application under Rule 11 of the National Company Law  
Tribunal Rules, 2016 read with Section 12A of the Insolvency and  
Bankruptcy Code, 2016.*

**I.A. No. 486/KB/2023**

**IN THE MATTER OF:**

**PLB Logistics Private Limited**

**... Operational Creditor**

***Versus***

**Simpex Safety & Apparels LLP**

**... Corporate Debtors (In CIRP)**

**I.A. No. 664/KB/2022**

**IN THE MATTER OF:**

**Rachana Agarwal, Interim Resolution Professional of Simpex Safety  
& Apparels LLP**

**... Applicant**

***Versus***

**Akash Das and Another**

**... Respondents**

**Date of Pronouncement: 28<sup>th</sup> June, 2024**

**CORAM:**

**SMT. BIDISHA BANERJEE, MEMBER (JUDICIAL)**

**SHRI. D. ARVIND, MEMBER (TECHNICAL)**

**APPEARANCE:**

**None appeared**

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C.P.(IB) No. 80/KB/2020

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**ORDER**

**Per: D. Arvind, Member (Technical):**

1. The Court congregated through hybrid mode.

**I.A. No. 486/KB/2023:**

2. This application has been filed by **Mrs. Rachana Agarwal** (hereinafter referred as "**RP/Applicant**") seeking to withdraw the application filed under Section 9 of IBC by **PLB Logistics Private Limited** (hereinafter referred as "**Operational Creditor**").

3. Ld. Counsel appearing for the applicant brings to our notice the Item No. 3 of the 5<sup>th</sup> CoC meeting held on 09.11.2022, wherein it has been resolved that CoC will withdraw its application filed under Section 9 of IBC. The settlement agreement has also been executed on 15.12.2022 and Form- FA has also been received on 15.12.2022.

4. We find no objection to this application and accordingly, the Order dated 18.05.2022, passed by the Bench in C.P. No. 80/KB/2020 is recalled and CP is dismissed as withdrawn having noted that the decision for withdrawal has been made with 100% majority of CoC.

5. Accordingly, this **I.A. No. 486/KB/2023 is allowed.**

**I.A. No. 664/KB/2022:**

6. This application has been preferred by **Rachana Agarwal, Interim Resolution Professional of the Corporate Debtor, Simpex Safety Apparels LLP** seeking cooperation of Suspended Board and other connected persons for the purpose of Corporate Insolvency Resolution Process of the Corporate Debtor has become infructuous as application filed for initiating CIRP by the Operational Creditor

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*I.A. No. 486/KB/2023  
I.A. No. 664/KB/2022  
C.P.(IB) No. 80/KB/2020*

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PLB Logistics Private Limited has chosen to withdraw the application filed under Section 9 of IBC.

7. It has been recorded in Para 4 of our Order in I.A. No. 486/KB/2023 in which C.P. No. 80/KB/2020 has been allowed to be withdrawn with 100% majority of CoC.
8. Therefore, this application has become infructuous and accordingly, **I.A. No. 664/KB/2022 is disposed of.**
9. Certified copy of this order, if applied for with the Registry be supplied to the parties in compliance with all requisite formalities.

**D. Arvind**  
**Member (Technical)**

**Bidisha Banerjee**  
**Member (Judicial)**

**Signed on this, the 28<sup>th</sup> day of June, 2024.**

*PH(PS)*