

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**COURT - 2**

ITEM No.301  
**CP(IB)/65(AHM)2023**

**Order under Section 9 IBC**

**IN THE MATTER OF:**

Floorex Tiles

.....Applicant

Vs.

Crystal Ceramic Industries Limited

.....Respondent

**Order delivered on: 05/07/2024**

**Coram:**

**Mrs. Chitra Hankare, Hon'ble Member(J)**

**Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)**

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open Court vide separate sheet.

-Sd-

**DR. V. G. VENKATA CHALAPATHY**  
**MEMBER (TECHNICAL)**

-Sd-

**CHITRA HANKARE**  
**MEMBER (JUDICIAL)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**AHMEDABAD (COURT - II)**

**CP(IB) No. 65 of 2023**

(Filed under Section 9 of the IBC, 2016)

**IN THE MATTER OF:**

M/s. Florex Tiles  
Having registered office at  
Plot No.19, Nr. Supergas, Aneri Industrial Park,  
Vill: Ranesar, Tal: Bavla,  
Dist: Ahmedabad-383220 ... Applicant

**V/s**

M/S. Crystal Ceramic industries Ltd.  
Having registered office at  
Survey N.206,207,208, 209, 210, 211 & 213  
At & Post: Kaiyal, Shedhavi Road,  
Tal: Kadi, Dist: Mehsana-384450 .. Respondent

Order pronounced on 05.07.2024

**Coram:**

**MRS. CHITRA HANKARE**  
**HON'BLE MEMBER (JUDICIAL)**  
**MR. VELAMUR G VENKATA CHALAPATHY**  
**HON'BLE MEMBER (TECHNICAL)**

**Present:**

For the State Tax : Mr. Atul Sharma, Adv.  
For the Respondent : Mr. Pratik Thakkar, Adv.

## **JUDGEMENT**

1. This is an application filed by the applicant u/s 9 of the IBC, 2016. Learned Counsel for the applicant has filed withdrawal pursish to withdraw the petition with liberty to file fresh.
2. Learned Counsel for the respondent objected for conditional withdrawal at belated stage. He has submitted that pleadings are over and even written submissions are filed by them. They have stated that person who has signed fresh vakalatnama is not a partner of the firm. Withdrawal pursish is also ambiguous. No reason or sufficient cause stated for fling such pursish. As the respondent preferred an IA 1279 of 2023 for forgery against the applicant, he sought withdrawal. He has also paid cost to the Prime Minister's National Relief Fund.
3. Heard Learned Counsel for the applicant & respondent.
4. It appears that vakalatnama of new counsel is filed with no objection of the earlier counsel. Learned Counsel also have authority to withdraw the petition. In the withdrawal pursish, applicant has not mentioned any reason for

withdrawal as well for liberty to file fresh petition. They have repeatedly made averment of only withdrawal of petition with liberty to file again. As no reason is given and withdrawal is sought at belated stage, no liberty to file application again can be granted. As the pleadings are complete and much time has passed after filing application. Unnecessarily respondent is dragged into the litigation and consumed time of the Tribunal. Hence, applicant must be saddled with the cost. Hence, we pass following orders:

**ORDER**

Applicant is allowed to withdraw the petition subject to cost of Rs.50,000/- to be paid to respondent towards legal cost.

-Sd-

**DR. V. G. VENKATA CHALAPATHY**  
**MEMBER (TECHNICAL)**

-Sd-

**CHITRA HANKARE**  
**MEMBER (JUDICIAL)**

PC