

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

Item No. 104
IB-2185(ND)/2019

IN THE MATTER OF:

M/s. Sun Control Systems (Partnership Firm)

...PETITIONER

Vs.

M/s. Aarcity Infrastructure Pvt. Ltd.

...RESPONDENT

Section

U/s 9 of IB Code, 2016

Order delivered on 27.09.2022
(Virtual Hearing)

Coram:

SHRI P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)

SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

For the Petitioner/Operational Creditor

:Mr. Vijay Mishra, Advocate for
Operational Creditor No. 2.

For the Respondent/Corporate Debtor

:Advocate R.K. Gupta, Advocate
Kunal Godhwani, Advocate Ms.
Swaralipi Deb Roy.

For the IRP

:Mr. Rishi Sood alongwith Ms.
Akshita, Advocate for IRP with Mr.
Arun Chaddha, IRP in person.

ORDER

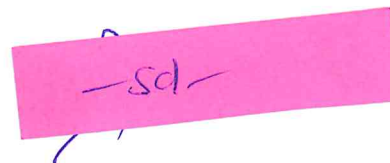
IA/4647/2022.

This is a joint application under Rule 11 of NCLT Rules, 2016 seeking withdrawal of Section 9 petition filed by the Operational Creditor.

We have heard the submissions made by the Learned Counsel for the Operational Creditor as well as Learned Counsel for the Corporate Debtor and also Learned Counsel for the Resolution Professional and Resolution Professional. From the submissions made by the Counsel for RP, IA/4033/2022 which is an application moved by the Resolution Professional

(Meenu)





regarding payment of fee and expenses is still pending. The Counsel for the Operational Creditor has not yet filed the reply in IA/4033/2022. In view of the joint application by the Operational Creditor and Corporate Debtor, we have ascertained the status of constitution of CoC in the matter. The Counsel for Resolution Professional as well as Resolution Professional Mr. Arun Chaddha appeared in person have confirmed that CoC has not yet been constituted in this matter and in view of the present application, the RP has also undertaken that CoC will not be constituted till the next date of hearing.

This Adjudicating Authority is of the view that before considering the joint application, it is necessary to resolve the matter of payment of fee and expenses of Resolution Professional so that the RP can also confirm by an affidavit that he has no objection for withdrawal of the Section 9 application filed by the Operational Creditor.

Since IA/4033/2022 is posted to 06.10.2022, let this joint application filed under Rule 11 of NCLT Rules, 2016 be also posted to 06.10.2022.

— Sel —

(Rahul Bhatnagar)
Member (T)

— Sel —

(P.S.N Prasad)
Member (J)