

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-510

IB-2826/ND/2019

New IA/1747/2024, IA/558/2023, IA/1158/2022

IN THE MATTER OF:

Aekevi Industries Pvt. Ltd.

.....Applicant

Vs.

Unique Kitchen-Aids Pvt. Ltd.

.....Respondent

SECTION

U/s 9 IBC CIRP

Order delivered on 23.04.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)**

**Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)**

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant :

For the Respondent :

For the RP : Mr. Anand Kumar Singh, Adv, Mr. Mukesh Kumar
Grover, RP

ORDER

New IA/1747/2024:-

This is an application filed by the Resolution Professional under Section 12(A) of the IBC, 2016 read with Regulation 30(A) of the IBBI (IRP for CP) Regulations, 2016, seeking withdrawal of the Section 9 Petition i.e. IB-2826/ND/2019. Heard the submissions made by the Ld. Counsel on behalf of the Applicant/Resolution Professional, who submitted that vide order dated 21.12.2021, CIRP was initiated against the Corporate Debtor and IRP was appointed. It was further submitted that the IRP made an announcement on 26.12.2021 by publishing Form A and has sought claim from the creditors. He

received only one claim from the Operational Creditor who had filed the Section 9 Petition and no other claim was received. Accordingly, CoC was constituted with one member only. It was also submitted that the CoC in its meeting held on 11.03.2024 passed a resolution with 100% voting to authorize the Resolution Professional for withdrawal for CIRP proceeding and as the matter has already been settled between the parties outside the court. We have perused the contents of the application and resolution passed by the CoC. Since resolution has been passed by the CoC with 100% voting for withdrawal of Section 9 Petition, keeping in view the provisions contained in Section 12(A) of the IBC, 2016 read with Regulation 30(A) of the IBBI (IRP for CP) Regulations, 2016 and keeping in view the law laid down by the Supreme Court, liberty is granted to the Applicant to withdraw the Section 9 Petition i.e. IB-2826/ND/2019 and the same is **dismissed as withdrawn**. The moratorium issued under Section 14 shall now cease to have effect. The Resolution Professional is discharged from his duty. The management of the Corporate Debtor is returned back to their Board of Directors. Resolution Professional is directed to handover all the material available with him to the Suspended Management. In view of the withdrawal of the Section 9 Petition pending applications, if any, shall stand dismissed as infructuous. The present application is New IA/1747/2024 is **disposed off**.

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)