

**DIVISION BENCH**

**ITEM NO.105**

**NATIONAL COMPANY LAW TRIBUNAL  
ALLAHABAD BENCH  
PRAYAGRAJ**

**CP (IB) No.270/ALD/2019**

**CORAM:**

- 1. SHRI PRAVEEN GUPTA,  
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,  
HON'BLE MEMBER (TECHNICAL)**

**Date of Order: 15<sup>th</sup> September, 2023**

**Attendance-Cum-Order Sheet of the Hearing.**

<b>NAME OF THE COMPANY</b>	<b>M/S AKSHITA ENTERPRISES V/S SHANTI REFRIGERATION INDUSTRIES PVT LTD</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:**

Sh. Gaurav Dwivedi, Adv.

*: For the Operational Creditor*

None

*: For the Corporate Debtor*

**ORDER**

- 1. This is a Section 9 petition filed by the Operational Creditor against the Respondent/Corporate Debtor.**
- 2. We noticed that a Section 7 petition was filed by Tata Capital Financial Services Ltd. against the same Respondent/Corporate Debtor vide CP (IB) No.38/2022. The said CP filed U/s 7 has been admitted in terms of the order dated 1<sup>st</sup> September, 2023 passed by this Adjudicating Authority.**
- 3. In view of the above, the present matter becomes infructuous. However, liberty is granted to the Operational Creditor to lodge its claim before the RP/CoC within a period of one week.**
- 4. It is also made clear that in case for any reason whatsoever, the said CIRP does not continue, the Operational Creditor herein would be at liberty to revive the present petition.**
- 5. With the liberty granted as stated above, the present petition is dismissed as having become infructuous.**

**-Sd-**

**(Ashish Verma)  
Member (Technical)**

**-Sd-**

**(Praveen Gupta)  
Member (Judicial)**

**15<sup>th</sup> September, 2023**

*Priya Agarwal  
(Stenographer)*