

DIVISION BENCH

ITEM NO.108

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

IA No.352/2022 & IA No.408/2023 IN CP (IB) No.68/ALD/2021

CORAM:

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

Date of Order: 10th November, 2023

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	GOVIND RAM DEWANGAN & ORS V/S MILANI TECHNO ENGINEERING LTD.
UNDER SECTION	7 IBC (IN CIRP)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Shravan Chandrashekhar, Adv. : *For the Resolution Professional*
Sh. Misbahul Haque, Adv. : *For the CoC*
Ms. Shivani Jaiswal, Adv. : *For Res. No.6 & 7 in IA No.352/2022*

ORDER

IA NO.408/2023

- 1.** This application has been filed U/s 12A of the Code by the CoC members which are mainly comprising the creditors in class. As per the Resolution No.C-1 placed at page no.246, the Ld. Counsel representing the RP submits that as per this Resolution, the decision has been taken by the CoC to withdraw the CIRP by a total of 100% voting.
- 2.** There is no mentioning about as to how the CIRP cost and the RP fees would be paid.
- 3.** Ld. Counsel representing the RP states that in view of the peculiar facts and circumstances as also there being no assets and cash reserves available with the Corporate Debtor, the CIRP cost as well as the RP fees may not be possible to be paid and he will get instructions from the RP to forgo the same.
- 4.** Let the statement/ affidavit be filed on or before the next date of hearing. RP also to remain present on the next date fixed for hearing in this court.
- 5.** The matter to be listed on 21st November, 2023 for further hearing. IA No.352/2022 be also listed on the same date.

-Sd-

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

10th November, 2023

*Kavya Prakash Srivastava
(Stenographer)*

-Sd-

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