

6.

**BEFORE THE AJUDICATING AUTHORITY  
(NATIONAL COMPANY LAW TRIBUNAL)  
AHMEDABAD BENCH  
AHMEDABAD**

**C.P. (I.B) No. 16/9/NCLT/AHM/2017**




Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU  
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 04.07.2017**

Name of the Company: Narmada Construction (Indore) Pvt. Ltd.  
V/s.  
Agroh Infrastructure Developer (P) Ltd.

Section of the Companies Act: Section 9 of the Insolvency and Bankruptcy  
Code

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	ADITYA MEWARA	ADVOCATE	NCIPL	
2.	SWAPNESH GARG	ADVOCATE	AJDPL	
3.	Rajesh Lohia	IRP		

**ORDER**

Learned Advocate Mr. Aditya Mewara present for Operational creditor/ Petitioner.  
Learned Advocate Mr. Swapnesh Garg present for Respondent.

Learned Advocate Mr. Swapnesh Garg filed Vakalatnama for Respondent.  
Interim Resolution Professional Mr. Rajesh Lohia present.

Heard arguments of both sides and Learned Interim Resolution Professional.

In view of the directions of the Appellate Tribunal passed in Company Appeal (AT)  
(Ins) no. 57/2017 the fee of the Interim Insolvency professional is fixed at Rs  
45,000/- and the same has been paid by the operational creditor to the IRP.

The Hon'ble Appellate Tribunal passed the following order on 02.06.2017

*"In the result, the appointment of Interim Resolution Professional  
order declaring moratorium, freezing of account and all other order passed  
by Adjudicating Authority pursuant to impugned order and action taken by  
the Interim Resolution Professional including the advertisement published in  
the newspaper calling for applications are declared illegal. The Adjudicating  
Authority may allow the operational creditor to withdraw the application and  
close the proceeding. The appellant is released from the rigour of law and*

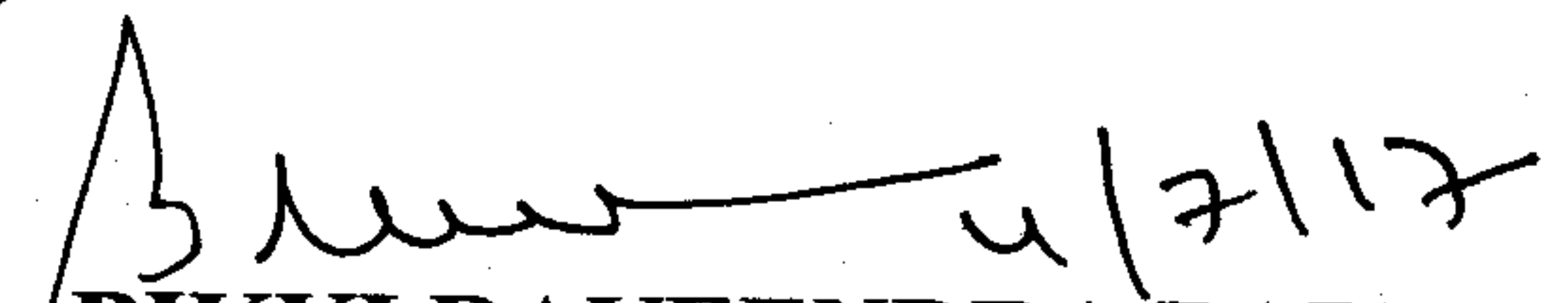
*allow the appellant company to function independently through its Board of Directors.*

*The appeal stands disposed of with the aforesaid observations.*

*The Adjudicating Authority will fix the fee of Interim Resolution Professional and the Operational Creditor will pay the fees of the Interim Resolution Professional for the period he has worked.”*

The Operational creditor already filed an application to withdraw the petition. Learned Counsel appearing for operational creditor wants to withdraw the said application.

Registry is directed to register the said application. In view of the order of the Appellate Tribunal operational creditor shall not be permitted to proceed with CP (IB) no. 16/2017. Hence, Operational Creditor is not permitted to withdraw the application. Therefore, the proceedings in CP (IB) No. 16/2017 are closed.

  
**BIKKI RAVEENDRA BABU**  
**MEMBER JUDICIAL**

Dated this the 4th day of July, 2017.