

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

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C.P. (I.B) No. 34/9/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 11.07.2017**

Name of the Company: Nirma Industries Pvt. Ltd.
V/s.
Ardor Global Pvt. Ltd.

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

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	A. R. Sheth	Advocate & Solicitor	Corporate Debtor	
2.	Nandish Chudgar	Advocate	Corporate Creditor	

ORDER

Learned Advocate Mr. Nandish Chudgar present for Operational Creditor/
Petitioner. Learned Advocate Mr. Arjun Sheth present for Respondent.

Objections filed by Learned Counsel for Respondent.

Heard arguments of Learned Counsel for petitioner and Respondent.

During the course of arguments, it is noticed that there are following defects in the Application.

1. In respect of the written communication filed by IRP in form no. 2
2. In respect of the affidavits of the Mr. Jitendra Patel dated 26.05.2017 filed along with the petition.

It is contended by the Learned Counsel for the petitioner that there is no defect in the written communication filed by IRP even if such defect is there it is rectifiable.

It is contended by the Learned Counsel for Respondent that defect pointed out ~~filed~~
~~by IRP~~ is a defect which cannot be rectified.

Coming to the affidavits this Adjudicating Authority is of a view that defects in the Affidavit are rectifiable.




At this stage Learned Counsel appearing for the petitioner on the instructions of his client requested this Tribunal to grant leave to withdraw this petition with liberty to file fresh petition.

Learned Counsel appearing for the Respondent opposed the same.

Rule 8 of the Adjudication Rules gives discretion to the Adjudicating Authority to permit withdrawal of the petition on the request made by the petitioner before its admission.

Petitioner is permitted to withdraw this petition with liberty to file fresh petition if so advised.

Petition is disposed of accordingly.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 11th day of July, 2017.