

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – II
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 24-03-2021 AT 10.30 A.M THROUGH
VIDEO CONFERENCING:

PRESENT: SMT. R. SUCHARITHA, MEMBER (JUDICIAL)
SHRI B. ANIL KUMAR, MEMBER (TECHNICAL)

APPLICATION NUMBER :
PETITION NUMBER : CP(IB)/26(CHE)/2021
NAME OF THE PETITIONER : United Mill Stores
NAME OF THE RESPONDENTS : Flamepoint Tech Solutions Pvt Ltd
UNDER SECTION : Sec 9 Rule 6 of IBC, 2016

(6)

[CP/(IB)/26(CHE)/2021]

ORDER

Learned Counsel Mr. B. Sarath Babu for Petitioner is present.

This application was filed on 15.01.2021 under Section 9 of IBC for outstanding operational debt of Rs.15,08,691/-. By notification dated 24.03.2020, the minimum amount of debt required to file an application now stood enhanced to Rs.1 crore. The counsel for Petitioner regularly appears before this Tribunal and hence he is aware of the pecuniary jurisdiction of this Tribunal. Now, the question arises is why this application has been filed? Considerable time has been spent in numbering this application and notice was issued to both parties, as well as to list this application by the Registry. By email dated 23.03.2021 at 3.00 PM, the counsel has stated that this matter need not be listed and sought permission to withdraw the case. Once the matter is numbered and notices are issued to both the parties, the Registry has no power to permit the applicant to withdraw the case. It has to be placed before the Bench for appropriate orders.

It is also brought to our notice that the hard copy of the application has not been filed till date. This matter was called in the morning and subsequently passed over. Thereafter, on 24.03.2021 hard copy of the application was filed in SR No.61 at 12.18 PM at the Registry. The counsel for applicant failed to satisfy as to why this application was filed with full knowledge that it is not maintainable. At this point, the applicant seeks permission to withdraw this application.

Hence this application **CP/(IB)/26(CHE)/2021** is **dismissed with cost of Rs.5000/-**. The Petitioner shall make the payment of Rs.5000/- to Prime Minister's Relief Fund. The payment should be made on or before 20.04.2021 and file compliance report in the Registry on or before 30.04.2021.

The Applicant is permitted to **withdraw** the application.

Accordingly, **CP/(IB)/26(CHE)/2021** stands **closed**.

The **Registry** shall forward this copy of order to Applicant, Respondent and also to IBBI for records.

-sd-

(ANIL KUMAR B)
MEMBER (TECHNICAL)

-sd-

(R. SUCHARITHA)
MEMBER (JUDICIAL)