

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P(IB) No. 130/BB/2018
U/s 9 of IBC r/w Rule 6 of I & B
(Application to Adjudicating Authority) Rules 2016

In the matter of:

RDC Concrete (India) Private Limited,

49, II Floor,
Above Chaitanya Restaurant,
Linden Street,
Palmgrove Road, Victoria Layout,
Bengaluru-560047. -

Petitioner/Operational Creditor

Versus

Maxworth Realty India Limited,

No.22/1, Railway Parallel Road,
Nehru Nagar, Opp. to Reddy Petrol Bunk,
Bangalore-560020. -

Respondent/Corporate Debtor

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

Date of Order: 11th September, 2018

For the Petitioner(s): Mr. Ricab Chand, Advocate
For the Respondent: Mr. M.Vinaya Keerthi, Advocate

ORDER

Per: **Rajeswara Rao Vittanala, Member (J)**

1. C.P (IB) No. 130/BB/2018 is filed by the **RDC Concrete (India) Private Limited** (Operational Creditor), under Section 9 of IBC read with 6 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016, by inter-alia seeking to initiate Corporate Insolvency Resolution Process in respect of **Maxworth Realty India Limited**, under the provisions of I & B Code 2016.

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2. Brief facts, leading to filing of the present Company Petition, are as follows:-
- a) The present case has been filed by the **RDC Concrete (India) Private Limited** (Operational Creditor) with regard to the debt relating to outstanding amount of Rs 5,63,800/- (Rupees Five Lakhs Sixty Three Thousand Eight Hundred only) towards providing the supply of materials under various invoices on 11/02/2017 and 12/02/2017 to the Corporate Debtor.
 - b) The Corporate Debtor has availed the services of the Operational Creditor and has neither raised any dispute relating to the quality of service or in relation to the amount raised. Therefore, the present Company Petition has been filed, seeking to initiate Corporate Insolvency Resolution Process.
3. Heard Shri Ricab Chand, learned Counsel for Operational Creditor; Shri M. Vinaya Keerthi, learned Counsel for Corporate Debtor. The learned Counsel for Operational Creditor has filed Memo dated 11th September, 2018, memo is taken on record, seeking permission of the Tribunal to withdraw the present Company Petition with a liberty to issue fresh Demand Notice and thereafter to file fresh Petition, in accordance with law.
4. In view of the above facts and circumstances, the Company Petition bearing C.P(IB) No.130/BB/2018, filed by the **RDC Concrete (India) Private Limited** (Operational Creditor) is disposed of as withdrawn by granting liberty to the Operational Creditor to file fresh case, in accordance with law. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL