

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP(1B) No. 440/KB/2017

**Present: Hon'ble Member (J) Shri Vijai Pratap Singh
Hon'ble Member (J) Shri Jinan K.R**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 24th November 2017, 10.30 A.M

Name of the Company		Agarwal Coal Corporation Pvt.Ltd. -Vs- Impex Ferro Tech Ltd.	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

01	S. K. TIWARI	Petitioner/Operations Creditor	Vijai Pratap Singh 24/11/17
2.	Manju Bhutoria	} Respondent/Corporate Debtor	A. Dutta 24/11/17
3.	Anirudhya Dutta		
4.	Bidyut Dutt		

O R D E R

Ld. Counsel for the operational creditor and the corporate debtor are present.

By our order dated 09/11/2017 the petition u/s 9 of the Insolvency and Bankruptcy Code, 2016 (I & B Code) has been admitted. Letter was sent to the Insolvency and Bankruptcy Board of India (IBBI) for recommending a name of the Insolvency Professional for appointment as an Interim

Resolution Professional. We have since received a communication dated 22/11/2017 from IBBI whereby Mr. Sonu Jain, Regn. No. IBBI/IPA-001/IP-P000575/2017-18/11016, 230, Gurupada Halder Road, Kolkata 700026, E-mail casonujain@gmail.com, Mobile No. 9830285088 has been recommended to be appointed as an Interim Resolution Professional.

On the basis of the recommendation of IBBI, we are appointing **Mr. Sonu Jain, Regn. No. IBBI/IPA-001/IP-P000575/2017-18/11016, 230, Gurupada Halder Road, Kolkata 700026, E-mail casonujain@gmail.com, Mobile No. 9830285088** as Interim Resolution Professional in this case and direct him to proceed in accordance with the procedures laid down under the I & B Code.

C.A. (IB) No. 512/KB/2017 has been jointly filed by the operational creditor and the corporate debtor for withdrawing the petition on account of settlement between them. As per Rule 8 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 after admission of the petition withdrawal is not permitted. Rule 8 provides that "*the Adjudicating Authority may permit withdrawal of the application made under rule 4, 6 or 7, as the case may be, on a request made by the applicant before its admission.*"

Since petition has already been admitted on 09/11/2017, so we have no power to withdraw the petition. In the light of the above, application for permission for withdrawal of petition cannot be allowed. Therefore, **C.A. (IB) No. 512/KB/2017** is **dismissed** and IRP is directed to proceed according to law.

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8d

List **C.P. (IB) No. 440/KB/2017** on **12/12/2017** for
filing progress report or plan.

Sd

(Jinan K.R.)
Member (J)

Sd

(V.P.Singh)
Member (J)