

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI  
SPECIAL BENCH

(IB)-150(PB)/2017

IN THE MATTER OF:

M/s Samir Menon ..... APPLICANT / PETITIONER  
Vs  
M/s AVJ Developers (India Pvt. Ltd.) ..... RESPONDENT

SECTION:

Under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on 03.08.2017

Coram:

R. VARADHARAJAN  
HON'BLE MEMBER (JUDICIAL)

DEEPA KRISHAN  
HON'BLE MEMBER (TECHNICAL)

For the APPLICANT / PETITIONER :- Mr. Aaditya Vijay Kumar, Advocate  
Mr. Sanskar Agarwal, Advocate

For the RESPONDENT :-

ORDER

Learned Counsel for the applicant is present and represents that in view of the judgment of the Hon'ble NCLAT in Nikil Mehta's case, the petitioner are to be treated as Financial Creditors and the petitions are supposed to be filed under the provisions of Section 7 of the IBC Code, 2016 and not as an Operational Creditor. Hence, seeks time to withdraw the petition unconditionally or to argue the petition as such.

In the circumstances, a week's time is granted for the said purpose.

List on 11.8.2017.

— Sd —

(DEEPA KRISHAN)  
MEMBER (TECHNICAL)

— Sd —

(R. VARADHARAJAN)  
MEMBER (JUDICIAL)

Surjit  
03.8.2017