

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI
BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI.

TCP No. 502/I&BP/NCLT/MB/MAH/2017

In the matter of Insolvency & Bankruptcy Code, 2016

AND

IN THE MATTER OF M/S. SOFTWAREONE INDIA PVT. LTD.

Versus

M/S. AGREEYA MOBILITY INDIA PVT. LTD.

| | | |
|---------------------------------------|---|---|
| CORAM | : | SHRI M.K. SHRAWAT Member (Judicial) |
| M/s. Softwareone India Pvt. Ltd. | : | Petitioner |
| Versus | | |
| M/s. Agreeya Mobility India Pvt. Ltd. | : | Respondent. |
| Represented By : | | |
| Mr. Rahul P. Jain | : | Advocate for Petitioner |
| (None) | : | Advocate for Respondent. |

Date of Order : 30.06.2017

1. This Petition was transferred from the High Court which was earlier moved under the then provisions of Section 433/434 of Companies Act 1956.
2. Thereupon, the Petition was listed for hearing and vide a noting of 18th April, 2017, the petitioner was instructed to comply the provisions of Insolvency & Bankruptcy Code 2016. As a consequence, on 9th June, 2017 the Petitioner has submitted Form No.5 in respect of the debt amount of ₹4,47,984/-.
3. When the case was called Learned Representative of the Petitioner has stated that the amount due has already been received as is evident from the communication dated 28th June 2017, reproduced for ready reference:-

"Sub: Recovery of ₹4,47,984.37/- from Agreeya Mobility India Pvt. Ltd

This is to inform you that SoftwareONE India Pvt Ltd has received amount of ₹4,47,984.37/- from Agreeya Mobility India Pvt Ltd on 27th June, 2017 through UTR # AXISP17178056452 against Invoice No. IN-PSI-110782 dated 27.11.2014 for ₹4,47,984.37/-.

We request you to withdraw Petition filed with NCLT, Mumbai against Agreehya Mobility India Pvt. Ltd under section 9 of Insolvency and Bankruptcy Code, 2016.

Thanks

Regards

For SoftwareONE India Pvt. Ltd.

Sd/-

Authorized Signatory!"

MKS

4. In a situation when the outstanding debt amount had already been received by the Corporate Creditor, therefore, the suo moto request for withdrawal of the Petition is justifiable. As a result, the Petition under consideration is hereby dismissed as withdrawn. Registry is directed to consign the Petition to records.

Date : 30.06.2017

Sd/-

M.K. SHRAWAT
Member (Judicial)