

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI**

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

TCP No.467/I&BP/NCLT/MB/MAH/2017

IN THE MATTER OF SECTION 433(e) IN THE COMPANIES ACT, 1956 READ WITH  
SECTION 9 OF THE INSOLVENCY & BANKRUPTCY CODE, 2016

AND

IN THE MATTER OF H.B. FULLER INDIA ADHESIVES PVT. LTD.

Versus

SWEET INDUSTRIES INDIA PVT. LTD.

CORAM : **SHRI M.K. SHRAWAT**  
Member (Judicial)

H.B. FULLER INDIA ADHESIVES PVT. LTD. : Petitioner

Versus

SWEET INDUSTRIES INDIA PVT. LTD. : Respondent.

Represented By :

Mr. D.B. Zaveri, : Advocate for Petitioner

Mr. S.T. Manek, : Advocate for Respondent

**Date of Order : 30.06.2017**

1. This Petition is transferred from the Hon'ble High Court which was moved under section 433(e)/434 of Companies Act, 1956. Thereupon listed for hearing and the Petitioner vide an observation dated 18.04.2017 was directed to comply with the provisions of Insolvency & Bankruptcy Code by furnishing the requisite Form. The Petition was listed for hearing on 29<sup>th</sup> June 2017.
2. When the case was called Learned Representative of the Petitioner has placed before the Bench one e-mail dated 28-06-2017 sent by Tabrez Hanif, C/o. H.B. Fuller India Adhesives Pvt. Ltd., wherein it was communicated as under:-

*"Dear Rahul,*

*In view of the pendency of our summary suit that we have filed in the Civil Court at Satara, you are requested to withdraw the captioned company Petition filed by us against Sweet Industries, which has been transferred from the Hon'ble Bombay High Court to the Hon'ble National Company Law Tribunal.*

*MKS*

*We will now be pushing and pursuing our claim for recovery of dues before the Satara Civil Court.*

*You may submit a copy of this email to the NCLT, if so desired.*

*Kindly do the needful.*

*Thanks and best regards,*

*Tabrez Hanif*

*H.B. Fuller India Adhesives Pvt. Ltd."*

3. Learned Representative has stated that the Petition may be allowed to be withdrawn.
4. From the side of the Respondent, Learned Representative has also made a statement that if the Petitioner is suo moto withdrawing the Petition, then no prejudice is going to be caused to the Respondent.
5. Having considered the statements made by the respective Learned Representatives and on perusal of the contents of the e-mail (supra), the Petition is hereby dismissed as withdrawn. The Petition is directed to be consigned to records.

Date : 30.06.2017

Sd/-

**M.K. SHRAWAT**  
Member (Judicial)

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