

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

CP (IB) No. 138/7/HDB/2017
U/S 7 of IBC, 2016 R/w Rule 4 of I&B
(Application to Adjudicating Authority) Rules, 2016

In the matter of

West Coast Ventures (India) Pvt. Ltd
Registered Office: No.4, Haudin Road
Ulsoor Bengaluru-560042
Represented by its Director
Shri Dhiren Jaywant Meher

... Applicant /
Operational Creditor

Versus

Windstream Energy Technologies India Pvt. Ltd
Janapriya Constructions, Flat No. 312 & 313
Kubera Towers, Narayanaguda
Hyderabad, Telangana -500029

...Corporate Debtor

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

Date of order: 21.08.2017

CORAM

Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties Present

For the Applicant:

Ms.Suchitra, Advocate

For the Corporate Debtor:

Shri CVLN Murthy, Advocate

Per: Hon'ble Shri Rajeswara Rao Vittanala, Member (J)



ORDER

1. The present Company petition bearing No. CP(IB) 138/07/HDB/2017 is filed by West Coast Ventures (India) Private Ltd under Section 7 of IBC against Windstream Energy Technologies India Private Limited.
2. Heard Ms Suchitra, Learned Counsel for the Financial Creditor and Shri CVLN Murthy, Learned Counsel for the Respondent. Learned Counsel for the Financial Creditor has filed a memo dated 21.08.2017 by stating as follows:-

The Financial creditor has not obtained the certificate from bank stating that monies were not repaid by the Corporate Debtor. Hence prays to withdraw the said application and request the leave of the court to file another application after getting Bank certificate.

3. In the light of the above, the Learned Counsel requests to permit her to withdraw the instant application with a leave to file a fresh application for the same cause of action after duly complying with the provisions of law.
4. In view of the above facts and circumstances of the case we are inclined to permit the Petitioner to withdraw the Company Petition. Accordingly, the present CP No. (IB) No. 138/7/HDB/2017 is withdrawn, by reserving right to the Petitioner to approach the Adjudicating Authority for the same cause of action as per law.

5. No orders as to costs.



Order Received by Registry
on 1-9-2017
प्रमाणित प्रतिलिपि

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आ संख्या
CASE NUMBER. CP(IB) No. 138/7/HDB/2017
आदिशुद्धि तिथि
DATE OF JUDGEMENT. 21.8.2017
लि तैयार किया गया तारीख
COPY MADE READY ON. 1-9-2017

Sd/-
Ravikumar Duraisamy
Member (Technical)

Sd/-
Rajeswarā Rao Vittanala
Member (Judicial)