

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD

CP (IB) 143/9/HDB/2017
U/S 9 of IBC, 2016, R/w
Rule 6 of I & B (AAA) Rules, 2016

In the matter of

M/s Sudhakaran Nair & Company Pvt. Ltd
Essenco House, 537 "B" Block, AECS Layout
Kundalahalli, Bangalore - 560037

...Petitioner /
Operational Creditor

Versus

Ramky Infrastructure Ltd
Ramky Grandiose, 15th Floor
Sy. No. 136/2 & 4, Gachibowli
Hyderabad - 500032

... Respondent/
Corporate Debtor

Date of order: 14.08.2017

CORAM:

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties/ Counsels present

For the Petitioner : Shri J.V. Rao, Advocate

For the Respondent: Shri Avinash Desai, Shri Siva Darshan, Shri
Khamar Kantamneni, Advocates

Per: Rajeswara Rao Vittanala, Member (J)

ORDER

1. The present company petition bearing CP(IB) No. 143/9/HDB/2017, is filed under Section 9 of Insolvency of Bankruptcy Code, 2016, R/w Rule 6 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 by M/s Sudhakaran Nair & Company Private Ltd by seeking to initiate Corporate Insolvency Resolution Process against M/s Ramky Infrastructure Ltd.



2. Heard Shri J.V. Rao, Learned Counsel for the Petitioner and Shri Avinash Desai, Siva Darshan and Khamar Kantamneni, Learned Counsels for the Respondent.
3. The case was listed for admission on 9.8.2017 and posted to 11.8.2017, as none appeared for both the parties. The case was again taken up on 11.8.2017. Learned Counsel for the Petitioner submit that he will comply with the objections raised by the Registry vide letter dated 7.8.2017. Even today, when the case was listed, the objections have not been complied with. So the Petition is incomplete.
5. In the light of above defects in the petition, the Learned Counsel for the Petitioner pray the Tribunal to permit him to withdraw the present company petition, with a liberty to file fresh company petition in accordance with law. He has also filed a memo dated 14.08.2017 to that extent.
6. The Learned Counsel for the Respondent while not opposing the request of the Learned Counsel for the Petitioner to withdraw the company petition, however, has raised objection for liberty to file fresh petition.
7. In view of the above facts and circumstances of the case, the present company Petition bearing No. CP (IB) 143/9/HDB/2017 is disposed of as withdrawn, by granting liberty to the Petitioner to file a fresh petition for the same cause of action, after duly following law.



Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

for Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER CP (IB) 143/9/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 14.8.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 5.12.2017