

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Ins) No.152 of 2020**

**IN THE MATTER OF:**

**Vivek Goel**

**...Appellant**

**Versus**

**Pooja Finelease Ltd. & Anr.**

**...Respondents**

**For Appellant: Shri M.P. Sahay and Ms. Eccha Shukla, Advocates**

**For Respondents: Shri Rajendra Beniwal, Shri Kumar Sumit and  
Shri Chirag Gupta, Advocates**

**ORDER**

**11.02.2020** Heard Advocate – Shri M.P. Sahay for the Appellant – Corporate Debtor. Heard Advocate – Shri Rajendra Beniwal for Respondent No.1 – Financial Creditor. The Advocate for Interim Resolution Professional was present on last date but is not present today. Counsel for Appellant submits at Bar true copy of Order passed by the Adjudicating Authority (National Company Law Tribunal, New Delhi Court– VI) on 5<sup>th</sup> February, 2020 in IB-2340/ND/2019 which reads as under:-

**“ORDER**

Heard the submissions made by the counsel for the financial-creditor. Counsel for the corporate-debtor is present. Authorized Representative is also present and submitted that they have received 12 cheques towards full and final settlement of their claim. The application filed under Rule 11 of NCLT rules, 2016 is taken on record and the application is allowed as a consequence the petition filed under Section 7 stands dismissed as withdrawn, in exercise of powers conferred under Rule 11 of the NCLT Rules, 2016.”

The True copy is marked ‘X’ for identification.

2. Counsel for Appellant states that in view of the Order passed by the Adjudicating Authority dismissing the Application under Section 7 as withdrawn, he may be permitted to withdraw this Appeal. The learned

Counsel for Respondent agrees that such Order has been passed by the Adjudicating Authority and concedes that the Impugned Order may be set aside.

3. Considering Order passed by the Adjudicating Authority on 5<sup>th</sup> February, 2020, the Impugned Order is set aside.

4. The IRP/RP will submit particulars regarding CIRP costs and fees to the Adjudicating Authority and the Adjudicating Authority will consider the same and direct the Corporate Debtor to pay the same in time to be specified. The IRP (Interim Resolution Professional) will hand over the assets and records of the Corporate Debtor to the Board of Directors of the Corporate Debtor. The Corporate Debtor is released from all the rigours of the Corporate Insolvency Resolution Process and is allowed to function independently through Board of Directors.

5. If the cheques issued are dishonoured or CIRP costs, or fees of IRP/RP are not paid, parties are at liberty to move this Tribunal to recall present Order.

The Appeal is disposed of accordingly.

[Justice A.I.S. Cheema]  
Member (Judicial)

(Justice A.B. Singh)  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*rs/md*