

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

**Company Appeal (AT) (Ins) No. 178 of 2017**

**IN THE MATTER OF:**

**DBM Geotechnics and Construction Private Limited .. Appellant**

**Versus**

**Gopalpur Ports Limited. .. Respondent**

**Present:**

**For Appellant: Ms. Vanita Bhargava, Mr. Aseem Chaturvedi and Ms. Wamika Trehan Advocates.**

**For Respondent: None**

**O R D E R**

**20.11.2017** This appeal has been preferred by 'Operational Creditor' against the order dated 9<sup>th</sup> August, 2017 passed by Adjudicating Authority (National Company Law Tribunal), Kolkata Bench in C.P. (IB) No. 250/KB/2017 whereby the application preferred by Appellant-Operational Creditor has been rejected.

Earlier the matter was adjourned on the application of the Appellant for their negotiation to settle the dispute. Application has been filed on behalf of the Appellant for withdrawal of the Appeal in view of the settlement of the agreement dated 9<sup>th</sup> November, 2017 agreed by them which is annexed as Annexure-A.

In the present case we have not gone into the merit in view of application for withdrawal of appeal in terms of settlement dated 9<sup>th</sup> November, 2017. For the reason aforesaid, without expressing any opinion, we allow the Appellant to withdraw the application but without any liberty to challenge the same very order before the Appellate Tribunal.

However, we hope and trust the parties will act in terms of agreement. The appeal is disposed of as withdrawn. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

[Justice Bansi Lal Bhat]  
Member (Judicial)

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