

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

**Company Appeal (AT) (Insolvency) No. 764 of 2018**

**IN THE MATTER OF:**

**Atithi Narendra Patel & Anr.**

**...Appellants**

**Vs**

**Dipco Pvt. Ltd.**

**...Respondent**

**Present:**

**Appellants: Mr. Ritin Rai, Mr. Samit Shukla, Mr. Nitin Mishra, Ms. Gunjan Mathur and Ms. Mitali Gupta, Advocates.**

**Respondent: Mr. Arun Kathpalia, Sr. Advocate with Mr. Varun Singh, Mr. Gaurav Nair and Ms. Pranati Bhatnagar, Advocates for R-1.**

**Mr. Tushar Tyagi and Mr. Abhishek Anand, Advocates for RP.**

**Mr. Ritesh Khare, Advocate for Impleader.**

**ORDER**

**08.11.2019:** After arguing for a while learned counsel for the Appellant offered to withdraw the appeal. The appeal is accordingly disposed of as withdrawn with no liberty to re-agitate the matter in Appeal qua the impugned order before this Appellate Tribunal.

We are told by learned counsel for the Resolution Professional that three resolution plans are pending consideration by the Committee of Creditors. Learned counsel for the Appellant submits that the Appellant wants to settle with the creditors.

Keeping in view this submission, we make it clear that the withdrawal of this appeal shall not preclude the Appellant from settling the claim of the creditors, if permissible within the ambit of Section 12A of the Insolvency and Bankruptcy Code, 2016.

**(Justice Bansi Lal Bhat)**  
**Member (Judicial)**

**(Mr. Balvinder Singh)**  
**Member (Technical)**

**(Dr. Ashok Kumar Mishra)**  
**Member (Technical)**

**am/nn**