

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH
(through Hybrid Mode)
COURT-I

Item No.124

IA No. 961/2024
in
CP(IB) No. 114(CH)2017
(Admitted)

IN THE MATTER OF:

State Bank of India

...Petitioner

Vs.

Sel Manufacturing Company Ltd.

...Respondent

Under Section: 7, 60(5), IBC 2016

Order delivered on 22.04.2024

CORAM:

SH. L. N. GUPTA
HON'BLE MEMBER (T)

SH. HARNAM SINGH THAKUR
HON'BLE MEMBER (J)

PRESENT:

For the applicant : Mr. Anand Chhibbar, Senior Advocate
In IA No. 961/2024 Mr. Vaibhav Sahni, Advocate
Mr. Shikhar Sarin, Advocate
Ms. Swati Vashisth, PCA

ORDER

IA No. 961/2024

Heard. The file has been taken up on special mentioning. The present application has been filed against the respondent i.e. Madhya Pradesh Madhya Kshetra Vidyut Vitaran Company Limited with inter alia sought the relief of:-

- a) Direct the Respondent Board to restore the existing electricity connection of the applicant company after providing the details of pending dues excluding the amount prior to the approval of the Resolution Plan and after receiving the said amount from the applicant company.

- b) Direct the Respondent Board to reconsider its arbitrary decision of rejection of the application of the Applicant Company after removing pending dues of Rs. 13,53,44,630/- pertaining to the period prior to the approval of the resolution plan and also in view of the stay granted by this Hon'ble Adjudicating Authority vide order dated 11.03.2020.
- c) Direct the Respondent and/or its agents and/or employees and/or any other person working for the Respondent and/or through the Respondent, to continue the electricity connection (as defined hereinabove).

It is submitted by Ld. Counsel for the applicant that due to non-payment of the current electricity bills amounting to a sum of Rs. 3 crores approximately, the electricity supply has been disconnected by the Respondent-Board and the applicant is ready to deposit the said arrears along with the currently pending bills up to date before the next date of hearing excluding pre-CIRP dues. However, the applicant is having an apprehension that if the Respondent-Board is not restrained from dismantling the transformer and other infrastructure for electricity to the applicant, then it would cause irreparable loss to the applicant which is a running company.

Issue notice of this application to the respondent(s). The applicant shall collect the notices from the Registry and send the same by speed post as well as by e-mail, if available, immediately to the respondent(s) at their registered address attaching therewith a copy of the application and the entire paper book and the copy of this order.

In case, the service of speed post on the aforesaid respondent(s) is not effected, the applicant shall adopt the mode of substituted service, and the notice of hearing be advertised in two daily newspapers (one English and one Hindi) having wide circulation in the area.

The applicant shall file an affidavit of service supported by postal receipt, tracking report, paper clippings, and copy of e-mail within two weeks.

Reply be filed within one week after receipt of notice with a copy in advance to the counsel opposite. Rejoinder thereto, if any, be filed one week thereafter with a copy in advance to the counsel opposite. Ld. Counsel for the Petitioner is directed to serve the Respondent Board Dasti.

In the meantime status quo be maintained regarding the removal of electrical infrastructure including the transformer installed at the site of supplying electricity to the applicant. Dasti copy of this order be given to Ld. Counsel for the petitioner.

List on 08.05.2024.

Sd/-

(L. N. GUPTA)
MEMBER (T)

Preeti

Sd/-

(HARNAM SINGH THAKUR)
MEMBER (J)