

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

ITEM No. 103
(IB)-45(PB)/2018

IN THE MATTER OF:

M/s. NupurFinvestPvt. Ltd. ... Petitioner/Applicant
v.

M/s. Unnati Fortune Holdings Ltd. ... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016 (CIRP)

Order delivered on 23.05.2023

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. SH. ATUL CHATURVEDI
HON'BLE MEMBER (T)

(HEARING THROUGH PHYSICAL MODE AND VC)

PRESENT:

For the Resolution Professional : Mr. Aditya Gauri, Adv. with Mr. Sanjay
Gupta, RP in person

ORDER

New IA-2839/2023

1. This application has been filed by the Resolution Professional seeking the following reliefs:

- “a) Allow the present Application;*
- b) Allow a temporary injunction on the disconnection of the electricity supply till the adjudication of the present application.*
- c) Direct the Respondent to continue the supply of electricity till the completion of the Corporate Insolvency Resolution Process of the Corporate Debtor.*
- d) To initiate suitable proceedings against the Respondent if the prayer sought hereinabove under clause (a), (b) is not satisfied; and*
- e) Such further or other Order or Orders as this Hon'ble Tribunal may deem fit and proper.”*

2. Ld. Counsel Mr. Aditya Gauri appeared physically on behalf of the Resolution Professional and the Resolution Professional also appeared in person seeking the above reliefs on the ground that though the amount claimed by the Electricity Department have been paid, there is a threat of disconnection of the

electricity, therefore, in the interest of the Homebuyers, the temporary injunction should be granted.

3. The Corporate Debtor was brought under the CIRP on 27.03.2019 and the Resolution Professional is now in control of the corporate debtor. Pending the approval of the plan, some of the residential units are occupied by the Homebuyers and there is a temporary connection no. 2584 for which the Electricity Board Department claims that there is a liability of Rs. 24,40,416/- (Rupees Twenty-Four Lakhs Forty Thousand Four Hundred and Sixteen Only). As to whether it covers any specific period is concerned, there is no specific answer by the Ld. Counsel and the Resolution Professional.

4. Be that as it may, before the Resolution Professional and his counsel stated that this amount has been paid by Receipt No. 245792270275 dated 27.04.2023. It is also stated by the Ld. Counsel for the Resolution Professional that the monthly dues payable for usage is also being paid from time to time. In this background, they are seeking relief of temporary injunction not to disconnect the electricity.

5. Subject to verification of the proof of payment, as demanded by the Electricity Board Department and the Resolution Professional undertaking to pay the monthly usage charges from time to time without delay and default, the Electricity Department after verification shall not disconnect the electricity supply unless there is a breach of any terms and conditions on the supply. Ad-Interim injunction as above is granted.

6. Issue notice to the Respondent(s), returnable by **19.07.2023.**

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(RAMALINGAM SUDHAKAR)
PRESIDENT

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(SH. ATUL CHATURVEDI)
MEMBER (TECHNICAL)