

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 309 of 2021**

In the matter of:

NTPC Ltd.

....Appellant

Vs.

**Ram Ratan Modi, Liquidator of DC Industrial Plant
Services Pvt. Ltd.**

....Respondent

Present:

**Appellant: Ms. Ekta Bhasin, Mr. R. Sudhindher, Ms. Pierre Uppal,
Ms. Monica Benjamin, Advocates**

Respondent: Mr. Azeem, Advocate for Liquidator.

ORDER

(Through Virtual Mode)

15.04.2021: The Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, in terms of impugned order dated 2nd February, 2021 allowed application of Appellant- NTPC Ltd. under Section 42 of the Insolvency and Bankruptcy Code, 2016 in part only classifying it under 'other creditor' on the ground that it was not an operational debt.

The issue raised in this appeal is that the part of the claim of similar nature has been rejected arbitrarily.

Issue Notice upon Respondent. Notice on behalf of Respondent is waived and accepted by Mr. Azeem, Advocate. No further notice need be issued to him. Respondent may file reply-affidavit within 10 days. Rejoinder, if any, be filed within 10 days thereof.

Contd/-.....

List the appeal 'for admission (after notice)' on 13th May, 2021.

The impugned order shall be subject to outcome of this appeal.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

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

AR/g