

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1111 of 2020

In the matter of:

Damodar Valley Corporation

....Appellant

Vs.

Kharkia Steels Pvt. Ltd. & Ors.

....Respondents

Present:

Appellant: Mr. Gopal Jain, Senior Advocate with Ms. Madhumita Bhattacharjee, Mr. Nikhar Luthra, Advocates and Mr. Aarti Jain, CS.

Respondents: Ms. Rajshree Kajaria, Ms. Shweta Thakur, Ms. Manju Bhuteria, Advocates for R1 and 3.

ORDER
(Through Virtual Mode)

23.12.2020: The issue raised in this appeal directed against the impugned order dated 21st September, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata approving the Resolution Plan in respect of the Corporate Debtor is that the Appellant being supplier of electricity and having supplied electricity to keep the Corporate Debtor as a going concern, could not have been treated unfairly while approving the Resolution Plan. Reliance is placed on observations of the Hon'ble Apex Court in ***“Committee of Creditors of Essar Steel India Limited v. Satish Kumar Gupta & Ors.- 2019 SCC OnLine SC 1478”*** in this regard.

Issue notice upon Respondents. Notice on behalf of Respondent Nos. 1 and 3 is waived and accepted by Ms. Manju Bhuteria, Advocate. No further notice need be issued to her. Reply affidavit may be filed by the Respondent Nos.1 and 3 within 2 weeks. Rejoinder, if any, be filed within 2 weeks thereof.

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Let notice be issued upon Respondent No.2 only. Appellant to provide mobile Nos./ e-mail address of the Respondent No.2. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within one week.

List the appeal 'for admission (after notice)' on 4th February, 2021.

Short written submissions not exceeding three pages may also be filed by the parties along with the pleadings supported by the relevant case law.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

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

am/gc