

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1078 of 2020

In the matter of:

Southern Power Distribution Company of A.P. Ltd.Appellant

Vs.

Kalpataru Steel Rolling Mills Ltd. & Ors.Respondents

Present:

**Appellant: Mr. Vikramjit Banerjee, Addl. Solicitor General with
Mr. Rakesh K Sharma, Mr. Nishant Sharma, Ms. Tanvi
Gupta, Advocates**
Respondents: Mr. Anoop Prakash, Advocate (Caveator, R1)

ORDER

(Through Virtual Mode)

17.12.2020: The issue raised in this appeal filed against approval of Resolution Plan of 'Shiva Ferric Private Limited' in respect of Corporate Insolvency Resolution Process of the Corporate Debtor is that the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi, has no power to waive off the electricity dues recoverable from parties. Reliance is placed on the judgment of the Hon'ble Apex Court in "***TSSPDCL v. Srigdhaa Beverages- (2020) SCC OnLine SC 478***".

Issue notice upon Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Mr. Anoop Prakash, Advocate. No further notice need be

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issued to him. Reply affidavit may be filed by the Respondent within 2 weeks. Rejoinder, if any, be filed within one week thereof.

Let notice be issued upon Respondent Nos.2 and 3. Appellant to provide mobile Nos./ e-mail address of the Respondent Nos.2 and 3. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal along with Company Appeal (AT) (Insolvency) No. 584 of 2020 on 11th January, 2021.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Justice Anant Bijay Singh]
Member (Judicial)

[V.P. Singh]
Member (Technical)

AR/g