

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 74 of 2021**

In the matter of:

Bank of Baroda

....Appellant

Vs.

**Mr. Pankaj Dhanuka, Insolvency Resolution
Professional for Lanco Kondapalli Power Ltd.**

....Respondent

Present:

**Appellant: Mr. Vikramjit Banerjee, Addl. Solicitor General of
India with Ms. Praveena Gautam, Ms. Shruti Agarwal,
Ms. Tanvi Gupta, Mr. Pawan Shukla, Ms. Sweety
Pandey, Advocates.**

**Respondent: Mr. Abhinav Vashisht, Senior Advocate with Ms.
Misha, Mr. Vijayant Paliwal, Ms. Charu Bansal, Ms.
Jasveen Kaur, Ms. Priya Singh, Advocates.
Mr. Pankaj Dhanuka, RP**

ORDER

(Through Virtual Mode)

11.02.2021: The issue raised for consideration in this appeal is that the transaction of exercising lien on the margin money kept as security towards the Bank Guarantee facility provided by the Appellant to Corporate Debtor for purpose of setting off the outstanding dues of the Corporate Debtor would not be covered within the ambit of 'preferential transaction' under Section 43(2) & (4) of the Insolvency and Bankruptcy Code, 2016.

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

Contd/-.....

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

List the appeal 'for admission (after notice)' on 16th March, 2021.

Meanwhile, on the next date of hearing, the impugned order shall remain on hold.

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

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

**[Dr. Alok Srivastava]
Member (Technical)**

AR/g