

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 874 of 2020

In the matter of:

**North Eastern Electricity Supply
Company of Orissa Ltd. (NESCO)
Vs.**

....Appellant

**Supriyo Kumar Chaudhury
Resolution Professional & Anr.**

....Respondents

Present:

Appellant: Mr. Gopal Jain, Senior Advocate with Mr. Hasan Murtaza, Mr. Saroj Kumar Ray and Mr. D.N. Sharma, Advocates for R1.

Respondents: Mr. Ramji Srinivasan, Senior Advocate with Ms. Indranil Ghosh and Mr. Palzer Moktan, Advocates for R1.

ORDER

07.10.2020: Heard Mr. Gopal Jain, Senior Advocate appearing for the Appellant for a while.

Mr. Ramji Srinivasan, Senior Advocate representing Respondent No.1 submits that subsequent to the passing of the impugned order dated 26th August, 2020 another order came to be passed on 18th September, 2020 by virtue whereof the electricity supply was directed to be restored on that very date. The earlier order came to be modified by directing the Respondents to revise the invoice based on 35 MVA instead of 55 MVA and provide six weeks' time from the date of invoice to be raised to the applicant for payment of the same so that the Corporate Debtor remains as a going concern.

Contd/-.....

Mr. Ramji Srinivasan, Senior Advocate for Respondent No.1 further submits that one more order has been passed on 23rd September, 2020 as the power supply in terms of the order dated 18th September, 2020 had not been restored. We direct the Appellant to place copy of that order on record. Meanwhile, the Appellant shall restore the power supply to the Respondent No.1, if not already restored in terms of the impugned order as modified by the subsequent orders. This interim direction shall be subject to the outcome of the appeal.

List this appeal on 13th October, 2020.

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

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

**[Shreesha Merla]
Member (Technical)**

AR/g