

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1038 of 2020

IN THE MATTER OF:

Arcelormittal India Pvt. Ltd.

...Appellant

Versus

SREI Infrastructure Finance Ltd. & Ors.

...Respondents

Present:

For Appellant: Mr. Harish Salve, Sr. Advocates with Ms. Ruby Singh Ahuja, Mr. Vishal Gehrana, Mr. Utkarsh Maria and Mr. Sapan Gupta, Advocates.

For Respondents: Mr. Rashesh Sanjanwala, Sr. Advocate with Mr. Sandeep Singhi, Mr. Gaurav Kapadia, Mr. Abhishek Shah and Ms. Anushree Kapadia, Advocates for R-1.

Mr. Ravi Kadam, Sr. Advocate with Mr. Sudhir Sharma, Mr. Ashim Sood, Mr. Naman Singh, Mr. Senu Nizar, Mr. Maneesh Subramaniam, Mr. Abhishek Swaroop, Mr. Supriyo Gole and Mr. Naman Singh Bagga, Advocates for R-2.

ORDER
(Through Virtual Mode)

04.12.2020: Apart from other issues raised in this appeal, the impugned order dated 10th November, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench Court No.1 holding that the usage charges for the use of slurry pipeline for running the Corporate Debtor as going concern during the Corporate Insolvency Resolution Process period of the

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Corporate Debtor are IRP costs and directing the Appellant to make the payment of IRP costs to 'OSPIL' by 15th December, 2020 is assailed as being absurd. Shri Harish Salve, learned senior counsel representing the appellant submits that in terms of the impugned order, the Appellant has been directed to make payment of aforesaid charges as IRP costs to an entity which had not claimed it during the Corporate Insolvency Resolution Process of 'ESIL' or even thereafter. Reference in this regard has been made to the submissions of the Resolution Professional before the Adjudicating Authority.

Issue notice upon Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Mr. Sandeep Singhi, Advocate. Notice on behalf of Respondent No. 2 is waived and accepted by Shri Ravi Kadam, Sr. Advocate. No further notice be served upon these respondents. Respondent Nos. 1 and 2 may file their reply affidavits within two weeks. Rejoinder thereto, if any, may be filed by the Appellant within two weeks thereof.

Appellant to provide requisites along with process fee as also mobile Nos./e-mail address of Respondent No. 3 within three days. Service of notice be effected through e-mail or any other available mode.

List the matter 'for admission (after notice)' on **22nd January, 2021 at 12:00**

Noon.

As an ad-interim the operation of the impugned order as regards making of payment by the Appellant to 'OSPIL' by 15th December, 2020 shall remain stayed till next date of hearing. I.A. No. 2802 of 2020 stands disposed off.

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

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

am/gc