

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 28 of 2021

In the matter of:

Kerala State Pollution Control Board & Anr.

....Appellants

Vs.

Merchem Ltd. & Ors.

....Respondents

Present:

Appellants: Mr. Jayanth Muthuraj, Senior Advocate with Mr. Jogy Scaria, Advocate.

Respondents: Mr. Aditya Verma, Ms. Priyamvada Mishra, Advocates for R1.

ORDER

(Through Virtual Mode)

21.01.2021: The issue raised in this appeal by the statutory creditors- 'Kerala State Pollution Control Board & Anr.' is that the Respondent No.1 is liable for bearing their share of expenses towards the water supply to the affected families of Eloor Municipality in terms of the judgment of the Hon'ble High Court of Kerala on the principle of polluter pay's which did not warrant any interference.

Issue notice upon Respondent No.1 only, other Respondents being merely proforma Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Sh. Aditya Verma, Advocate. No further notice need be issued to him. He may file reply affidavit/ counter/ written submissions in regard to the limited issue raised in this appeal within one week. Rejoinder, if any, be filed within one week thereof.

Contd/-.....

Learned counsel for the parties are at liberty to file short written submissions not exceeding two pages along with the pleadings supported by the relevant case law.

List the appeal 'for admission (after notice)' on 10th February, 2021.

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

**[Kanthi Narahari]
Member (Technical)**

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

AR/g