

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. App. (AT) (Insolvency) No. 759 of 2020

IN THE MATTER OF:

Bharat Aluminium Co. Ltd.

... Appellant

Versus

M/s. J.P. Engineers Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant :

Ms. Ranjana Roy Gawai, Ms. Ananya Chug, Advocate

For Respondents :

Mr. Abhishek Garg, Advocate for R-1

**Mr. P.B.A. Srinivasan and Mr. Avinash Mohapatra,
Advocates for R-2**

O R D E R

(Through Virtual Mode)

07.09.2020

Apart from other questions, the main issue raised in this appeal is that exception carved out for performance bank guarantee in terms of Section 3(31) of the 'I&B Code' would apply to bank guarantee as well.

Let notice be issued upon Respondents.

At this stage, Mr. Abhishek Garg, Advocate waived and accepted notice on behalf of Respondent No. 1. Mr. P.B.A. Srinivasan, Advocate waived and accepted notice on behalf of Respondent No. 2. No further notice need to be served upon Respondents. Respondents to file their reply-affidavits within 20 days. Rejoinder thereto, if any, may be filed within 10 days thereof. Learned counsels for the parties may also file their short written submissions, not exceeding two pages, along with their pleadings.

List the appeal 'for Admission (After Notice)' on **13th October, 2020**. The appeal may be disposed of on the next date.

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

**[V. P. Singh]
Member (Technical)**

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