

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 1097 of 2020

In the matter of:

**Committee of Creditors of M/S KSK
Mahanadi Power Company Ltd.
Through Power Finance Corporation Ltd.**

....Appellant

Vs.

**KSK Mahanadi Power Company Ltd.
Through its Resolution Professional,
Mr. Sumit Binani**

....Respondent

Present

**For Appellant: Mr. Ramji Srinivasan, Sr. Advocate along with
Mr. Bishwajit Dubey, Mr. Spandan Biswal,
Ms. Srideepa Bhattacharyya & Mr. Sanskriti Sidana.**

**For Respondent: Mr. Sumesh Dhawan, Ms. Geetika Sharma, Ms. Charu
Bansal & Mr. Zeeshan Khan, Advocates.**

With

Company Appeal (AT) (Ins.) No. 1116 of 2020

In the matter of:

**Sumit Binani
Resolution Professional of KSK
Mahanadi Power Company Ltd.**

....Appellant

Vs.

Power Finance Corporation Ltd.

....Respondent

Present

**For Appellant: Mr. Sumesh Dhawan, Ms. Geetika Sharma, Ms. Charu
Bansal & Mr. Zeeshan Khan, Advocates.**

**For Respondent: Mr. Ramji Srinivasan, Sr. Advocate along with
Mr. Bishwajit Dubey, Mr. Spandan Biswal,
Ms. Srideepa Bhattacharyya & Mr. Sanskriti Sidana**

With**Company Appeal (AT) (Ins.) No. 1127 of 2020****In the matter of:****Punjab National Bank****....Appellant****Vs.****KSK Water Infrastructure Pvt. Ltd.****....Respondent****Present****For Appellant: Mr. Bishwajit Dubey, Mr. Spandan Biswal,
Ms. Srideepa Bhattacharyya & Mr. Sanskriti Sidana,
Advocates.****For Respondent: Ms. Rakhi Ray, For R-1.****ORDER**
(Virtual Mode)

27.01.2021: The Learned Senior Counsel Shri Ramji Srinivasan submitted that in Company Appeal (AT) (Ins.) No.1097 of 2020 Order dated 22.12.2020 be seen. The two other applications under Section 7 which were pending, the Adjudicating Authority has already passed orders admitting those application on 1st January, 2021 and CIRP has been initiated. The Learned Counsel states that in those two matters which are having CP (IB) No. 813/ 7/ HDB/ 2019 and CP (IB) No. 187/ 7/ HDB/ 2020 no further date as such has been fixed. The Senior Counsel submitted that the Adjudicating Authority now needs to decide the Consolidation Application of those two matters along with CP (IB) No. 492/ 7/ HDB/ 2019 which is coming up before the Adjudicating Authority on 29th January, 2021. It is stated that the Adjudicating Authority has not fixed any particular date for the other two

matters. The Learned Senior Counsel states that the Interim Resolution Professional in CP (IB) No. 492/ 7/ HDB/ 2019 and CP (IB) No. 187/ 7/ HDB/ 2020 is same but there is another IRP in CP (IB) No. 813/ 7/ HDB/ 2019.

Counsel for IRP of Respondent M/s KSK Water Infrastructure Private Limited (Company Appeal (AT) (Insolvency) No. 1127 of 2020) states that she does not have copy of the Appeal. Counsel for Appellant states that the copy will be served today itself to the Learned Counsel.

We request the Adjudicating Authority to take up CP (IB) No. 813/ 7/ HDB/ 2019 and CP (IB) No. 187/ 7/ HDB/ 2020 also with CP (IB) No. 492/ 7/ HDB/ 2019, on 29th January, 2021 and the Adjudicating Authority is further requested to decide the Consolidation Application one way or the other, as early as possible.

In the meanwhile, we adjourn the present appeals to **5th February, 2021**, for admission (after Notice).

[Justice A.I.S. Cheema]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

Sim/md