

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 874 of 2020

IN THE MATTER OF:

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

....Appellant

Vs

**Supriyo Kumar Chaudhary,
Resolution Professional & Anr.**

....Respondents

Present:

**For Appellant: Mr. Dharendra Sharma, Mr. Saroj Ray (FCS),
Mr. Hasan Murtaza, Advocates.**

**For Respondents: Mr. Ramji Srinivasan, Senior Advocate with
Mr. Indranil Ghosh, Mr. Orijit Chatterjee, Ms. Swati
Dalmia, Mr. Palzer Moktan, Mr. Akash Yadav and
Ms. Rajshree Chaudhary, Advocates.**

O R D E R
(Through Virtual Mode)

16.02.2021: Compilation of orders dated 23rd September, 2020 and 8th December, 2020 passed by the Adjudicating Authority, National Company Law Tribunal, Kolkata Bench, Kolkata filed by the Appellant is taken on record.

It emerges from the order dated 8th December, 2020 passed by the Adjudicating Authority that it has taken note of some of its orders being assailed before this Appellate Tribunal while observing that six weeks' time had been granted from the date of invoice to the Resolution Professional for making payment, so that the Corporate Debtor remains operational as a going concern. In terms of the aforesaid order the IA No.884/KB/2020 was dismissed after

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observing that extension cannot be allowed every time on one or the other pretext in making payment to electricity supply company. Declining to grant further extension, the Adjudicating Authority observed that electricity supply can be continued, but timely payments therefore are to be made. This order was not brought to our notice when this Appellate Tribunal recorded the minutes of the proceedings on 18th January, 2021.

Mr. Ramji Srinivasan, learned senior Counsel for Respondents brings to our notice that while all the regulatory requirements under Regulation 121 have been complied with and the Inspector deputed by NESCO visited the site on 16th December, 2020 to carry out necessary inspection, the Report of the Inspector is still awaited. Mr. Dharendra Sharma, learned Counsel for the Appellant submits that the Respondents have not taken the necessary steps in terms of the relevant Regulation.

Let the Respondents file the Report of the Inspector concerned in regard to the compliance of the regulatory provisions. This be done within two weeks.

List the matter 'for admission (after notice)' on 5th March, 2021

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

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