

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.524 of 2019

IN THE MATTER OF:

Arcelormittal India Pvt. Ltd.

...Appellant

Versus

**Abhijit Guhathakurta,
RP of EPC Constructions India Ltd. & Ors.**

...Respondents

Present:

For Appellant:

Shri Arun Kathpalia, Sr. Advocate with Shri Raghav Shankar, Shri Shaheezad Kazi, Ms. Misha Chandna, Shri Eklavya Dwivedi and Ms. Arshiya Sharda, Advocates

For Respondent:

Shri Abhinav Vashisht, Sr. Advocate with Shri Nakul Sachdeva and Shri Aakarshan Sahay, Advocates (Respondent No.1)

Shri Sudipto Sarkar, Sr. Advocate with Shri Diwakar Maheshwari and Ms. Pratiksha Mishra, Advocates (Respondent No.3)

Shri Sumesh Dhawan (for RP)

ORDER

06.08.2019 Heard Shri Arun Kathpalia, Sr. Advocate for the Appellant. hearing remained inconclusive.

Counsel for the Appellant prays for and is allowed to file Additional Affidavit within 10 days for giving details of value of assets and also turnover of Resolution Applicant and also Corporate Debtor to find out whether it comes within the meaning of 'Combination' as defined under Section 5 of the Competition Act. It will also enclose Notification of Exemption/s, if any issued by Central Government in exercise of power conferred by Section 54 of the

Competition Act. We also intend to hear on the effect of non-application under Section 6(2) of the Competition Act, if read with Section 43A of the said Act. It is also desirable to notice as to when the Combination will come into force i.e. whether on grant of approval by the Commission under Section 6(2) of the Competition Act or grant of approval by the Adjudicating Authority under Section 31 of the Insolvency and Bankruptcy Code, 2016.

Admitted. Pleading is complete.

List the case for further hearing under the heading 'for admission (after Notice)' on 29th August, 2019 at 12 Noon on the top of the list.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/rs/sk