

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 904 of 2020

IN THE MATTER OF:

**Saurabh Kumar Tikamani, Resolution Professional,
Lanco Amarkantak Power Ltd.**

...Appellant

Versus

NRSKS Mines and Minerals Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Ramji Srinivasan, Sr. Advocate with Mr. Aayush Mitruka, Advocate.

For Respondent: Mr. Sumant Batra and Ms. Garima Sharma, Advocates.

O R D E R
(Through Virtual Mode)

10.11.2020: Reply affidavit filed by Respondent is taken on record. Mr. Ramji Srinivasan, learned Sr. Advocate submits that the copy of reply provided to him is not complete. Mr. Sumant Batra, learned counsel for the Respondent undertakes to provide complete set of reply affidavit to learned counsel for the Appellant during the course of the day.

It appears that the affidavit filed in support of the reply is dated 6th November, 2020 whereas reply has been drafted on 9th November, 2020. The explanation offered is that the affidavit was sworn before the competent authority on 6th November, 2020 at Hyderabad but the reply came to be filed on 9th November, 2020 and that's why 9th November, 2020 has been reflected as date in the reply affidavit. Be that as it may, we are of the opinion that a fresh reply affidavit is required to be filed. Rejoinder, if any, may be filed within one week by the Appellant.

Mr. Sumant Batra, learned counsel for the Respondent submits that while considering the application for grant of ad-interim stay, this Appellate Tribunal has, in its order dated 19th October, 2020, made observations as if the appeal was being finally disposed off. We deem it appropriate to clarify that the observations made are only in regard to prima facie existence of case for grant of the stay order and not an expression of opinion on merits of the appeal.

List the appeal 'for admission (after notice)' on **19th November, 2020** on top of the list.

Meanwhile, the Appellant may go ahead with the tendering process. However, the same shall be subject to the outcome of this appeal.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Shreesha Merla]
Member (Technical)**

am/gc