

NATIONAL COMPANY LAW APPELLATE TRIBUNAL AT CHENNAI
(APPELLATE JURISDICTION)
Company Appeal (AT) (CH) (INS) No. 184 of 2021
(Under Section 61 of the Insolvency and Bankruptcy Code, 2016)
Arising out of the Impugned Order dated 09.07.2021 passed in
CP(IB) No. 437/7/HDB/2020 passed by the Adjudicating Authority, (National
Company Law Tribunal, Hyderabad Bench)

In the matter of:

M/s. Sree Rayalseema Green Energy Ltd.,

Represented by its Managing Director,

Mr. K. Madhusudhan

Registered Office: H.No. 1-10-50/1A,

Street No.2, Ashok Nagar,

Hyderabad- 500 020.

...Appellant

V

Indian Renewable Energy Development Agency Limited

Office at 3rd Floor,

August Kranti Bhawan,

Bhikaiji Cama Place,

New Delhi – 110 066.

...Respondent

Present:

For Appellant : Mr. K. Venkatvardhan, Advocate

ORDER
(VIRTUAL MODE)

According to the Learned Counsel for the Appellant passed by the Adjudicating Authority (National Company Law Tribunal, Hyderabad Bench, Special Bench, Court-I, Hyderabad) in the impugned Order dated 09.07.2021 in CP(IB) No.437/7/HDB/2020 had incorrectly recorded that “It appears on record that pleadings are completed. We make it clear that no pleadings are accepted henceforth” and further had adjourned the matter to 13.08.2021.

The Learned Counsel for the Appellant brings it to the notice of this ‘Appellate Tribunal’ that the Appellant/Applicant had filed (1) an unnumbered IA in CP(IB) No. 437/07/2020 to receive the ‘Documents’ and (2) another unnumbered Application in the main Company Petition seeking to amend the ‘Counter’, and these Applications were filed through e-filing on 05.07.2021. That apart, the Learned Counsel for the Appellant had addressed a communication dated 07.07.2021 to the ‘Adjudicating Authority’ mentioning about the filing of the aforesaid ‘two applications’ and the payment of requisite ‘Court Fee’ through ‘online’.

Continuing further, it is the plea of the Appellant that for the proof of payment of ‘Court Fee’ of Rs.1000 that was also made mention of in the Letter dated 07.07.2021 of the Appellant’s Advocate addressed to the Assistant Director, National Company Law Tribunal, Hyderabad Bench, Special Bench, Court-I, Hyderabad and as such, these Material Papers were also transmitted to the other side through ‘e-mail’ and that fact was also pointed out in the aforesaid Letter dated 07.07.2021 of the Appellant’s Counsel.

In effect, the submission of the Learned Counsel for the Appellant is that the the Adjudicating Authority (National Company Law Tribunal, Hyderabad Bench, Special Bench, Court-I, Hyderabad) had not taken into account these aspects of filing

of the two petitions, through e-filing and as such, the impugned Order suffers from legal 'infirmity' and is liable to be set aside.

After considering the aforesaid submissions of the Learned Counsel for the Appellant, this 'Tribunal' is of the considered view that the impugned Order dated 09.07.2021 in CP(IB) No. 437/07/2020 passed by the Adjudicating Authority (National Company Law Tribunal, Hyderabad Bench, Special Bench, Court-I, Hyderabad) is liable to be set aside, and accordingly same is set aside by this 'Tribunal' to secure the ends of justice. Resultantly, the Company Appeal (AT) (CH) (INS) No. 184 of 2021 filed by the Appellant is allowed. No Costs.

Consequent to the allowing of the instant Company Appeal (AT) (CH) (INS) No. 184 of 2021 by this 'Tribunal' the 'Adjudicating Authority', (National Company Law Tribunal, Hyderabad Bench, Special Bench, Court-I, Hyderabad) is directed to take on record the 'two unnumbered applications' mentioned in the Letter of the Advocate dated 07.07.2021 and to assign numbers, if it is otherwise found to be in Order and to take up the same and to proceed it in accordance with Law as early as possible, and to dispose of the same on merits of course after providing adequate opportunity of hearing keeping in view of the 'Principles of Natural Justice'.

**[Justice Venugopal M]
Member (Judicial)**

**[Kanthi Narahari]
Member (Technical)**

**11.08.2021
GS**