



DIVISION BENCH  
COURT - I

O-205

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/701(KB)2019  
IA(I.B.C)/1054(KB)2021,  
IA(I.B.C)/984(KB)2021

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR.  
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 01<sup>ST</sup> SEPTEMBER, 2022, 10:30 A.M**

IN THE MATTER OF	DAMODAR VALLEY CORPORATION VS BHASKAR SARCHI ALLOYS LIMITED
UNDER SECTION	IBC UNDER SEC 9

**Counsel / Authorised Representative appeared physically / through video conference:**

Mr. Mainak Bose, Sr. Adv. : For Applicant in IA 984/22  
Mr. Rahul Auddy, Adv. :  
Mr. Aditya Gooptu, Adv. :

Mr. Jaydip Kar, Sr. Adv. : For Damodar Valley Corporation  
Mr. Shaunak Mitra, Adv. :  
Mr. Deepak Agarwal, Adv. :  
Mr. Prasun Mukherjee, Adv. :

Ms. Shruti Singhania, CS : For Erstwhile Liquidator

**O R D E R**

**IA (I.B.C)/984(KB)2021**

1. Ld. Counsel on both sides present.
2. The instant application has been filed by the applicant seeking-
  - (a) The communication of the Respondent no. 2 dated September 3, 2021 be set aside and/or quashed.
  - (b) Direct the Respondent nos. 2 to either restore or grant fresh connection of electricity to the factory premises of Bhaskar Sachi Alloys Limited.
3. It is noted that the electricity connection of the Corporate Debtor was disconnected on 11<sup>th</sup> August, 2017. Whereas the C.I.R.P. started on 27<sup>th</sup> September, 2019.



4. This Tribunal faced with an identical situation passed an order on 16<sup>th</sup> February, 2022 paragraph 48 of the order is reproduced hereinafter:-

*“In these circumstances, the question of maintainability is decided against the applicant. The application of the applicant is not maintainable before the NCLT because the electricity had been disconnected long before the CIRP actually started, for reason of non-payment of the outstanding dues. The CIRP process was initiated long thereafter. If the electricity had been disconnected on initiation of CIRP, then the position would have been different.”*

5. In these circumstances, question of maintainability is decided against the applicant. We are of the view this application being similar in nature is liable to be rejected.
6. In view of the earlier decision of this Adjudicating Authority. Therefore, this IA is hereby rejected as infructuous.

**IA (I.B.C)/1054(KB)2021**

7. This IA is a demurer application for IA(IBC)/984/KB/2021 since the IA has been rejected as above this application have become infructuous and is **disposed** as such.

**Balraj Joshi**  
**Member (Technical)**

**Rohit Kapoor**  
**Member (Judicial)**