

**THE NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH  
(Exercising powers of Adjudicating Authority under  
the Insolvency and Bankruptcy Code, 2016)**

**IA No. 496/2020**

**In**

**CP (IB) No.152/Chd/Hry/2018  
(admitted)**

**Under Section 60(5) read with Rule 11 of  
the IBC, 2016**

**In the matter of:**

Avon Cottex Private Limited

....Petitioner-Operational Creditor

Versus

Anandtex International Private Limited

....Respondent-Corporate Debtor

And in the matter of:-

**IA No.496/2020**

Hitesh Goel, Liquidator  
for Anandtex International Private Limited  
having its registered office at  
C-4/1002, The legend Apartments,  
Sector 57, Gurugram, Haryana-122011

...Applicant

Vs.

1. Chairman/Secretary  
Uttar Haryana Bijli Vitran Nigam Limited  
having its registered office at  
Plot No. C16, Sector-6, Budanpur, Panchkula,  
Haryana-134109
- 2 XEN Samalkha  
Uttar Haryana Bijli Vitran Nigam Limited  
having its registered office at  
Near Jangra Dharamshala,  
Office Colony, Samalkha,  
Panipat Haryana
- 3 Sub-division Office  
Uttar Haryana Bijli Vitran Nigam Limited  
having its registered office at  
Chhajpur, Panipat  
Haryana-132104

....Respondents

IA No. 496/2020,  
In  
CP (IB) No.152/Chd/Hry/2018  
(admitted)

Order delivered on: 28.08.2022

**Coram: HON'BLE MR. HARNAM SINGH THAKUR, MEMBER (JUDICIAL)  
HON'BLE MR. SUBRATA KUMAR DASH, MEMBER (TECHNICAL)**

**Present through video-conferencing:**

For the Applicant in :Mr. Sanjay Bhatt, Advocate  
IA No. 496/2020

For respondent in :Mr. Vishal Garg, Advocate  
IA No. 496/2020

**Per: Subrata Kumar Dash, Member (Technical)**

**ORDER**

**IA No.496/2020**

The present application has been filed by the liquidator of M/s. Anandtex International Private Limited under Section 35(1) (e) & (n) read with Section 60 (5) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016, seeking direction against the respondents to assign/transfer the electricity connection bearing No. 6304011000 and meter No. X1117909, installed at Sub-Station Panipat Dummy HR IND in the name of the corporate debtor instead of the erstwhile promoter/director of the corporate debtor. Further, the direction to restrain the respondents from disconnecting the electricity connection bearing no. 6304011000 and meter no. X1117909 of the corporate debtor for pre-CIRP dues so that the corporate debtor can remain a going concern.

2. In the present matter, CIRP was initiated vide order dated 20.02.2019 of this Adjudicating Authority. Further, vide order dated 06.12.2019 of this Adjudicating Authority, the liquidation process in respect of the corporate debtor was initiated and appointed the applicant herein as the Liquidator.

IA No. 496/2020,  
In  
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(admitted)

3. It is submitted by the applicant-liquidator that respondents have installed the LS-42 Electricity Connection No. 6304011000 (old A/c No. 291110HULS010031) at the factory premises of the corporate debtor situated at Risalu Road, Panipat. The Resolution Professional vide letter dated 20.06.2019 informed the respondents that the above-said electricity connection was issued in the name of the Suspended Promoter/Director of the corporate debtor and is being used by the corporate debtor by way of an internal agreement.

4. It is stated that the respondents raised an electricity bill dated 19.03.2019. Further, the respondents filed a claim in Form-B on 26.08.2019 as an operational creditor with the RP for Rs. 18,44,112/- towards the outstanding dues as on CIRP i.e., 20.09.2019, which was admitted by the Resolution Professional on 24.09.2019. Further, after the initiation of liquidation, the applicant-liquidator made a public announcement informed on 12.12.2019; however, no claim was received from the respondents by the applicant-liquidator. It is submitted that the erstwhile promoter/ director of the corporate debtor filed an appeal being Company Appeal (AT) (Insolvency) Nos. 117-118 of 2020, titled **Suresh Garg Vs. Naresh Kumar Sood & Ors'**, challenging the liquidation order dated 06.12.2019 passed by this Adjudicating Authority before the Hon'ble National Company Law Appellate Tribunal (hereinafter, "**NCLAT**"). Wherein, the Hon'ble NCLAT, while issuing notice to the parties therein, including the applicant vide interim order dated 22.01.2020, directed the liquidator to ensure that the corporate debtor remains a going concern during the pendency of the appeal and also directed the liquidator not to sell the assets of the corporate debtor without prior permission from the

Hon'ble NCLAT and follow the decision of the Hon'ble NCLAT in "**Y. Shivram Prasad Vs. S. Dhanapal & Ors Company Appeal** (AT) (Insolvency) No. 224 of 2018. Further, it is averred that the erstwhile promoter/director of the corporate debtor has also filed a civil suit before Ld. District Court, Panipat, disputing the electricity bill raised by the respondents.

5. It is averred that the applicant-liquidator on receipt of a call from the lineman of the respondent regarding disconnection, immediately sent a letter and email dated 17.08.2020 to the respondents informing them about the passing of the liquidation order. The respondents restored and re-connected the electricity connection on 18.08.2020 on their own. The respondents demanded a surcharge amount of Rs. 4,95,540/- against the above-said electricity connection, but the same is not claimed in the claim filed by the respondents with the Resolution Professional.

6. It is further submitted that the respondents have not made any effort to assign/change the name for the connection in the name of the corporate debtor nor given any assurance on disconnection of the electricity going forward. Therefore, in the above circumstances, the applicant-liquidator approached this Adjudicating Authority.

7. It is observed that this Adjudicating Authority vide order dated 13.10.2020 directed the respondents not to disconnect the electricity supply connection of the applicant.

8. We have heard the learned counsel for the parties and have perused the available records carefully.

9. In this context, we note the fact that Section 14(2A) lays down that the supply of essential goods or services to the corporate debtor should not be

terminated or suspended during the moratorium period. However, the Respondent has the right to stop supply if the applicant does not make timely payment for the usage during the post-CIRP period.

10. In view of this provision, we direct the respondents not to disconnect the electricity supply connection of the applicant without the permission of this Authority. We further direct the respondent to assign/transfer the electricity connection bearing No. 6304011000 and meter No. X1117909, installed at Sub-Station Panipat Dummy HR IND in the name of the corporate debtor instead of the erstwhile promoter/director of the corporate debtor within one month of such request being received from the present management of the corporate debtor. The applicant, however, will make compliance with the existing procedure for the transfer of electricity connection to the satisfaction of the respondent.
11. In the result, the appeal is allowed as above, and IA No. 496/2020 is disposed off accordingly.

Sd/-  
**(Subrata Kumar Dash)**  
**Member (Technical)**

Sd/-  
**(Harnam Singh Thakur)**  
**Member (Judicial)**

August 28, 2023  
JGS/PB