

SL.No.1

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

PHYSICAL HEARING

**CORAM: JUSTICE TELAPROLU RAJANI – HON’BLE MEMBER (J)
CORAM: SHRI CHARAN SINGH - HON’BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 24.05.2023 AT 02:30 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	Rst .A (IBC)/9/2022 in CP (IB) No.492/7/HDB/2019
NAME OF THE COMPANY	KSK Mahanadi Power Company
NAME OF THE PETITIONER(S)	Power Finance Corporation
NAME OF THE RESPONDENT(S)	KSK Mahanadi Power Company
UNDER SECTION	7 of IBC

ORDER

Orders pronounced vide separate order. Application is dismissed.

**Sd/-
MEMBER (T)**

**Sd/-
MEMBER (J)**

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II

IA No.9 of 2022 in IA No.31 of 2020
in CP(IB) No. 492/7/HDB/2019
Under Section 60(5) of IBC, 2016

In the matter of:

Mr. Bandaru Purna Chandra Rao,
S/o. Mr. Bandaru Gopala Rao,
D.No.2-1C, South Street,
Peravali, Vemuru,
Guntur – 522 261.

.... Applicant/
Operational Creditor

Vs

1. M/s. KSK Mahanadi Power Company Ltd.,
8-2-293/82/A/431/A,
Road No.22, Jubilee Hills,
Hyderabad – 500 033.

....Respondent-1/
Corporate Debtor

2. Ms. Sumit Binani,
Resolution Professional,
M/s. KSK Mahanadi Power Company Ltd.,
Reg. No.IBBI/IA/-001/IP-N00005/2016-17/10025,
Room No.6, 4th Floor, Commerce House,
2A, Ganesh Chandra Avenue,
Kolkata – 700 013.

....Respondent No.2/
Resolution Professional

Date of order: 24.05.2023

CORAM:

Hon'ble Justice Smt. Telaprolu Rajani, Member (Judicial)

Hon'ble Sri Charan Singh, Member (Technical)

Counsels present:

For the Applicant : Mr. Bandaru Purna Chandra Rao, Advocate

For the RP : Mr. Allwin Godwin, Advocate

Heard on : 28.04.2023

**[PER: BENCH]
ORDER**

1. This application is filed, with the following prayers:
 - a. To open IA No.31 of 2020 for hearing at this Tribunal, Bench-II.
 - b. To process IA No.31 of 2020 with removing Suspended Respondent and Outsourced outside parties.
 - c. To direct the Respondents to admit the submitted Principal claim amount for payments to be made on Design Analysis, Technical and Engineering Services rendered to M/s. KSK Mahanadi Power Company Limited.
2. The facts so far as relevant for adjudication of this application are, briefly, as follows:
3. Earlier, IA No.31 of 2020 was filed, seeking the same reliefs and by virtue of the Order dated 21.07.2022, the Application was dismissed. On the same grounds, this application is filed.
4. The Respondent filed Counter contending that the Application is not maintainable, since the Dismissal Order passed earlier was

not challenged by the Applicant herein and hence, this Application cannot be filed, seeking to re-open the said Order.

5. A rejoinder is filed by the Petitioner contending that the IA No.31 of 2020 was not reviewed fully and the Order has many errata and hence this Application to re-open the same for correcting the errata.
6. Heard both the Counsel. On the face of it, this Application does not seem to be maintainable. There is no dispute that earlier, in an Application filed with the same reliefs, an order was passed on 21.07.2022 rejecting the reliefs sought for by the Applicant therein who is the Applicant herein.
7. It is also an admitted fact that the said order was neither challenged before any Appellate Forum nor was sought to be reviewed by this Tribunal by seeking for any modification of the said Order. The Order was passed considering the whole merits of the case. The counsel does not explain about the maintainability. When questioned on the same, he takes us through the merits of the case, which were already considered in the earlier order. This application filed to re-open the said order is nothing but a frivolous and baseless one. Hence, the application is dismissed.

Sd/-
(CHARAN SINGH)
MEMBER (TECHNICAL)

Sd/-
(JUSTICE TELAPROLU RAJANI)
MEMBER (JUDICIAL)

VL