

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1300 of 2022

&

I.A. No. 3972 of 2022 & 01 of 2023

IN THE MATTER OF:

**Executive Engineer,
Uttar Gujarat VIJ Company Ltd.**

...Appellant

Versus

**Pradeep Kumar Kabra,
Liquidator of Pacific Pipe Systems Pvt. Ltd. & Anr.**

...Respondents

Present:

For Appellant: Mr. Anal S Shah, Advocate

For Respondent: Mr. Vipul Ganda, Mr. Bhaskar, Ms. Nirti Dua,
Advocates for R-1
Mr. Ravi Raghunath, Advocate for R-2

ORDER

16.05.2023: Heard Learned Counsel for the parties.

2. This Appeal has been filed against the Order passed by the Adjudicating Authority dated 04.10.2021 by which order, the Adjudicating Authority on an Application filed by the Successful Bidder- Respondent No. 2, following direction has been issued in para ix:

“IX. We hold that all electricity charges accrued prior to liquidation commencement date shall stand permanently extinguished and any security deposit for connection shall continue in the name of the Corporate Debtor. We further direct Uttar Gujarat Vij Company Limited to restore the electricity supply to the Corporate Debtor so that the Corporate Debtor can be run as a going concern. The charges after the liquidation commencement date and till

acquisition date shall also stand extinguished quo Successful Auction Bidder.”

3. When the Appeal was taken today, Learned Counsel for the Appellant submits that Appellant has already recovered all dues on the electricity connection and there are no further dues to be recovered. He further submits that the electricity connection was disconnected permanently in 2017 and Appellant is ready to give fresh connection to the Successful Bidder provided that Application and/or Form are filled up. It is further submitted that security which was already deposited with the Appellant shall be continued in the name of the Corporate Debtor. It is further submitted that electricity shall be restored within six weeks if application/form is made within two weeks from today for the restoration of the electricity.

4. It is made clear that no financial charges shall be asked from the Corporate Debtor for giving fresh connection.

5. Learned Counsel for Respondent submits that there was some entitlement of interest on the security deposited. With regard to said, the Appellant may consider in accordance with applicable rules and regulations.

6. The Appeal is disposed of, accordingly.

**[Justice Ashok Bhushan]
Chairperson**

**[Mr. Barun Mitra]
Member (Technical)**

Basant/nn

Company Appeal (AT) (Insolvency) No. 1300/2022