

**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 04.07.2023 AT 02:30 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC)/515/2021 IA (IBC)/770/2021 in CP (IB) No.420/7/HDB/2018
NAME OF THE COMPANY	Lanco Amarkantak Power Ltd
NAME OF THE PETITIONER(S)	Axis Bank Ltd
NAME OF THE RESPONDENT(S)	Lanco Amarkantak Power Ltd
UNDER SECTION	7 of IBC

ORDER

IA (IBC)/515/2021

This application is dismissed, vide separate orders.

IA (IBC)/770/2021

This application was mentioned by mistake that it is posted for orders. In fact we did not hear the matter. For hearing, post on 13.07.2023.

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – II

IA No.515 of 2021 in
CP(IB) No.420/7/HDB/2018
Under Section 60(5) of IBC, 2016

In the matter of:

Axis Bank
Trishul, 3rd Floor,
Opp: Samrtheshwar Temple,
Law Garden, Ellis Bridge,
Ahmedabad – 380 006.

.... Financial Creditor/
Petitioner

Vs.

Lanco Amarkantak Power Limited,
Plot No.4, Software Units Layout,
Hitech City, Madhapur,
Hyderabad – 500 081.

.... Corporate Debtor

And in the matter of:

Saurabh Kumar Tikmani,
Resolution Professional of
Lanco Amarkantak Power Ltd.
KPMG Restructuring Services LLP
First Floor, Lodha Excelus Apollo
Mills Compound, N M Joshi Marg,
Mahalaxmi, Mumbai – 400 011.

.... Applicant

Vs.

Water Resource Department,
Government of Chattisgarh,
Mantralaya, Mahanadi Bhawan,
Naya Raipur, C.G – 492 101.

.... Respondent

Date of order: 04.07.2023

CORAM:

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

Hon'ble Sri Charan Singh, Member (Technical)

Counsels present:

For the Applicant : Ms. Rubaina S Khatoon, Advocate

Heard on : 28.06.2023

[PER: BENCH]
ORDER

1. This application is filed, seeking to amend its prayers in the captioned Application which are as follows:
 - i) To raise future water supply bills in accordance with 16 MCM Agreement read with applicable WRD Notification dated 16.01.2020.
 - ii) To revise previous water supply invoices raised by the Respondent since November, 2019 and
 - iii) To direct the Respondent not to levy any additional penal charges or interest for non-payment of excessive amounts raised by the Respondent.
2. This Application on the face of it, is not maintainable, since the amendments sought for are, in the captioned Application which is

mentioned as CP(IB) No.420/7/HDB/2018, is admitted by virtue of the Order dated 05.09.2019. There is one more IA pending before this Tribunal in the above captioned Company Petition which is IA 770 of 2021. We have to treat this application as an application seeking for amending the prayers in IA 770 of 2021 and we need to advert to the facts.

3. IA 515 of 2021 filed under Section 60(5), seeking for additional reliefs which pertain to the future water supply bills in accordance with 16 MCM and revision of previous water supply invoices raised by the Respondent since November, 2019 and not to levy any additional penal charges or interest for non payment of excessive amounts raised by the Respondent.
4. The Counsel at the time of hearing submits that the amendments sought for are, in respect of the bills and invoices which pertain to the period subsequent to the filing of the captioned application and they pertain to the developments which took place after the filing of the application.
5. It is clearly stated in Paragraph 5 of the application that in the light of the afore said developments, the Applicant craves leave to take on record the afore said factual development. The levying of penal water charges is also subsequent to the filing of the application.

Hence, the Applicant cannot be permitted to go on amending the prayers as and when the cause of action arises against the Respondent.

6. Hence, we dismiss the application with liberty to the Petitioner to move a fresh application in accordance with Law.

Sd/-

**(CHARAN SINGH)
MEMBER (TECHNICAL)**

Sd/-

**(JUSTICE TELAPROLU RAJANI)
MEMBER (JUDICIAL)**

VL