

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 285 of 2018

IN THE MATTER OF:

Jharkhand Bijli Vitran Nigam Ltd.

...Appellant

Vs.

IVRCL Ltd. (Corporate Debtor) & Anr.

...Respondents

Present: For Appellant: - Mr. Ajit Kumar, AG and Mr. Ashwini Mata, Senior Advocate with Mr. Himanshu Shekhar, Mr. Navin Kumar, Mr. Aabhas Parimal, Mr. Aprajita Bhardwaj and Mr. Jamnesh Kumar, Advocates.

For Respondents:- None.

O R D E R

11.07.2018— The question arises for consideration in this appeal is whether a counter claim can proceed during the period of 'Moratorium' while the Adjudicating Authority (National Company Law Tribunal) allowed the 'Corporate Debtor' to pursue the claim before the Arbitral Tribunal.

2. According to the Appellant, the question of determination of counter claim during the period of 'Moratorium' should have been decided by the Adjudicating Authority without leaving it open to be decided by the Arbitral Tribunal.

Contd/-.....

3. Let notice be issued on Respondents by speed post. Requisite along with process fee, if not filed, be filed by 13th July, 2018. If the Appellant provides the e-mail address of the Respondents, let notice be also issued through e-mail.

Post the case 'for admission' on 3rd August, 2018.

4. During the pendency of this appeal and the proceedings before the Adjudicating Authority, the Arbitral Tribunal will proceed with the claim and counter claim of the parties and may record appropriate order of award, but keep it in a sealed cover till the decision of this Appellate Tribunal.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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