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IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

Mentioning Matter
(IB)-1718(PB)/2017

IN THE MATTER OF:

Shri Dayal Sharma & Ors.

.... Applicant/petitioner

vs

Three C Projects Private Limited

.... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016,

Order delivered on 13.09.2019

CORAM:

MR. P.S.N PRASAD,
HON'BLE MEMBER (JUDICIAL)

MR. S. K. MOHAPATRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

Insolvency Resolution Professional in Person
Counsel for Insolvency Resolution Professional
Counsel for Resident Welfare Association

ORDER

CA 1808 (PB) 2019

This is an Application filed by IRP of the corporate debtor with a prayer to direct the Paschimanchal Vidyut Vitaran Nigam Limited to restore the electricity connection of the corporate debtor on urgent basis. Ld. Counsel for applicant submitted that electric connection to the residential project "Lotus Zing" developed by the corporate debtor at GH-01/A, Sector 168 Noida was disconnected on 03.09.2019. It is submitted that CIR Process against the Corporate Debtor M/s Three C Projects Private Limited was commenced on



[Handwritten signature]

28.08.2019. Accordingly, Resolution Professional wrote a letter to the executive engineer, Paschimanchal Vidyut Vitaran Nigam Limited Sector-16 A, Noida, Uttar Pradesh-201301 on 03.09.2019 for restoration of electricity to the corporate debtor being one of the essential services so that uninterrupted electric supply is provided during CIRP.

It is appropriate to mention that under sub-section (2) of Section 14 of the Code supply of essential services to the corporate debtor shall not be suspended or interrupted during moratorium period.

There is also no dispute that the electricity charges incurred by the corporate debtor during the moratorium period shall be treated as CIRP cost to be paid in priority over other debts of the corporate debtor.

Despite notice stated to have been served, no one has appeared on behalf of the respondent Paschimanchal Vidyut Vitaran Nigam Limited.

Supply of electricity to the corporate debtor being an essential service for smooth running of CIR Process of the corporate debtor and for the reasons stated in the application and in the best interest of justice the respondent



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Paschimanchal Vidyut Vitaran Nigam Limited is hereby directed to restore the electricity supply to the corporate debtor in terms of Section 14 (2) of the IB Code, 2016.

The IRP shall take all steps to ensure that the corporate debtor remains on-going concern and he should take appropriate measures to pay the electricity charges as per law.

Liberty is granted to the respondent Paschimanchal Vidyut Vitaran Nigam Limited to approach this Tribunal, if required.

Accordingly, CA 1808 (PB) 2019 stands disposed of.

Let copy of the order be supplied to the parties.

Process Dasti.

Sd/-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)

Sd/-

(P.S.N PRASAD)
MEMBER (JUDICIAL)



16/09/19
सहायक पंजीयक
ASSISTANT REGISTRAR
राष्ट्रीय कम्पनी विधि अधिकरण
NATIONAL COMPANY LAW TRIBUNAL
C.G.O. COMPLEX, NEW DELHI-110003

13.09.2019 - Shammy