

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 131
(IB)-1248(PB)/2018

IN THE MATTER OF:

Shinoj Koshy

.... Applicant/petitioner

v.

M/s. Granite Gate Properties P Ltd.

.... Respondent

Order under Section 7 of IBC, 2016

Order delivered on 05.04.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the RP:-

Mr. Vinod Chaurasia, CA for RP

ORDER

CA-500(PB)/2019:-

This is an application with a prayer for issuance of necessary directions under Section 19(3) of the Code, 2016 to the non-applicant-respondents to assist and co-operate with the IRP. Notice of the application was issued on 19.03.2019 and the service has been effected on UCO Bank on 28.03.2019 and on Paschimanchal Vidyut Vitran Nigam Ltd. on 20.03.2019. However, no service could be effected on the Economic Offence Wing, Delhi Police, Mandir Marg, Connaught Place, New Delhi. The relief claimed against the UCO Bank as well as Paschimanchal Vidyut Vitran Nigam Ltd. is discernible from the following prayers made in the application:-

"1.



2. Direct the Respondent No. 1 to restore the electricity supply to the projects of CD during the moratorium period & electricity bill for moratorium period may be considered as part of CIRP cost;

3. Direct the Respondent No. 1 to file their claim for outstanding bill as operational creditor and allowed IRP to pay the current bills of CIRP only;

4. Direct the Respondent No. 2 defreeze all the bank accounts under its control & trickily to act on instructions of IRP as per section 17(1)(d);”

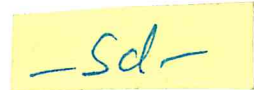
2. The non-applicant-respondent 1 since has not been preferred to appear, we direct the Paschimanchal Vidyut Vitran Nigam Ltd. to restore the electricity supply and to continue un-interpreted supply of power to enable the IRP to run the unit as a going concern as statutory obligation has been imposed on him by the provisions of Section 17(1) (d) read with Regulation 14(2) of the Code, 2016. It is needless to say that for the current period, the IRP shall kept making payment of the bills. In-so-far as the past bills before initiation of CIR Process concern i.e. before 10.01.2019, the claims be filed by the non-applicant-respondent 1 which shall be decided in accordance with law.

3. We also direct respondent 2 to defreeze all the bank accounts maintained by the corporate debtor in their bank and act at the instructions of the IRP as per the provisions of Section 17(1) (d) of the

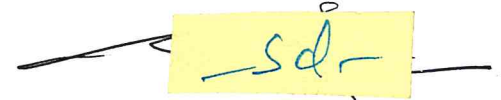


Code. The Economic Offence Wing – non-applicant-respondent 3 must assist and co-operate with the IRP by furnishing copies of the documents' requisitioned by the IRP.

4. The application stands disposed of.



**(M. M. KUMAR)
PRESIDENT**



**(S. K. MOHAPATRA)
MEMBER (TECHNICAL)**

05.04.2019.
Aarti Makker