

10

**BEFORE THE AJUDICATING AUTHORITY
(NATIONAL COMPANY LAW TRIBUNAL)
AHMEDABAD BENCH
AHMEDABAD**

IA 328/2017 in C.P. (I.B) No. 53/7/NCLT/AHM/2017

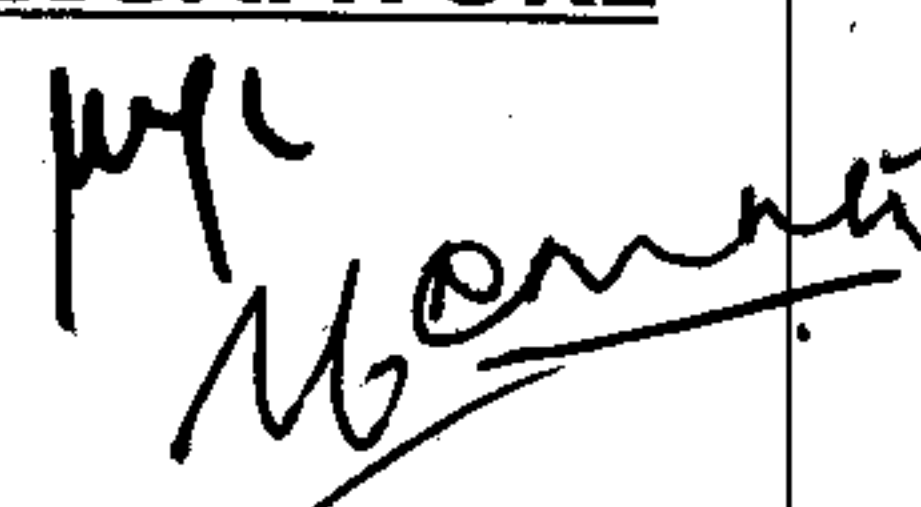

Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.11.2017**

Name of the Company: ABG shipyard Ltd.
(Through IRP Sundaresh Bhat)
V/s.
ICICI Bank Ltd. & Ors.

Section of the Companies Act: Section 19 of the Insolvency and Bankruptcy
Code

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Mr. Maulik Nanavati with Ms. Nikita Mehta	Advocate *	Applicant	
	Mr. Sundaresh Bhatt	Advocate (Nanavati & Co.) RP		
2.	L. K. Bhat	Advocate	Respondent No. 2	

ORDER

Learned Advocate Mr. Maulik Nanavati with Learned Advocate Ms. Nikita Mehta i/b Nanavati & Co. present for Applicant. Learned Advocate Ms. Lilu Bhaya present for Respondent No.2 in IA 328/2017.

RP Mr. Sundaresh Bhat present.

RP filed this application seeking a direction to set aside the notice dated 28.09.2017 issued by DGVCL and not to disconnect electricity supply to M/s ABG Shipyard Ltd invoking sub section (2) of section 14 of the code.


Subsection (2) of section of 14 of the code says that during moratorium period supply of Essential good or services to Corporate Debtor shall not be terminated or suspended or interrupted during moratorium period.

It is version of DGVCL that consumption of electricity charged for the month of September and October in respect of the corporate debtor are due for payment and notice for disconnection was issued.

Learned Counsel appearing for DGVCL submitted that section 173 and 174 of Electricity Act will override the provision of IBC notwithstanding with section 238 of the IBC.

Heard arguments of both sides counsel on section 14(2) of code and section 238 of the Code.

Order reserved.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 08th day of November, 2017.