

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

**CA No. 72/2017
IN
CP (IB) NO. 08/Chd/CHD/2017.**

In the matter of :

M/s. Super Multicolor Printers (P) Ltd.Applicant/Corporate Debtor.

Present: Mr. G.S. Sarin, Practising Company Secretary and Mr. Prakash Dev Sharma, Resolution Professional for Applicant/
Corporate Debtor.

Vide order dated 07.04.2017, CP (IB) NO. 08/Chd/CHD/2017 filed by the Corporate Debtor under Section 7 of the Insolvency and Bankruptcy Code, 2016 was admitted with certain directions and declaring moratorium. Mr. Prakash Dev Sharma, Regn. No. IBB/PA-002/IP00020/2016-17/1561 was appointed as the Interim Resolution Professional. It is stated by Mr. Prakash Dev Sharma that he has been confirmed by the Committee of Creditors as Resolution Professional in the meeting held on 04.05.2017.

It is, inter alia, represented that the Company was in arrears of electricity dues to the tune of ₹5,63,394/- for the months of March and April, 2017 as on 25.05.2017. Thereafter the company has made part payment of ₹2,44,738/-, ₹1,00,000/- on 17.04.2017 and 24.04.2017, respectively' and the bills outstanding would continue to be paid on monthly basis as per the cash flow position. It is further represented that the matter was also discussed personally with the Senior Executive Engineer, Himachal Pradesh State Electricity Board, Baddi on 15.05.2017 within whose charge the business premises falls and a written representation was also made, copy of which is

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at Annexure-3. However, the Senior Executive Engineer and his team disconnected supply of electricity of the factory on 25.05.2017.

As per sub section (2) of Section 14 of the Insolvency and Bankruptcy Code, 2016, there is a clear mandate that supply of essential goods or services to the Corporate Debtor as may be specified shall not be terminated or suspended or interrupted during moratorium period. As per Regulation 32 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, electricity is described as one of the essential services. The Resolution Professional states that in his discussion in person with Senior Executive Engineer, it was told that the essential services cannot be disrupted or disconnected.

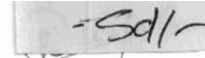
In view of the above, Himachal Pradesh State Electricity Board through its Chairman, Vidyut Bhawan, Kumar House, Shimla-171004 be impleaded as Respondent No. 1; the Superintending Engineer, H.P.S.E.B., Operation Circle Baddi, Saproon, Solan (HP)-173211 as Respondent No. 2 and the Senior Executive Engineer, HPSEB, Operation Division, Motia Plaza, Near Bus Stand, Baddi, Distt. Solan (HP)-174103 as Respondent No. 3.

Another prayer was also made with regard to passing necessary directions to the Chief Manager, Punjab National Bank, LCB, Sector 17-B, Chandigarh-160017 for stopping 5% recovery from the sales amount being deposited with the Bank during moratorium period. The aforesaid Bank be also made party as respondent No. 4.

Notice to all the above respondents be issued for 17.07.2017 with specific directions to Respondent No. 3 the Senior Executive Engineer to appear in person. The Applicant shall file four copies of the Application to be

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sent to each of the Respondent with the notice. The notices be collected from the Registry and the Applicant shall send the same by Speed Post to all the Respondents immediately and to file affidavit along with the postal receipts and the Track Reports at least three days before the date fixed. In the meanwhile, it is directed that the electricity supply to the Corporate Debtor be immediately restored. Copy of the order be also supplied 'Dasti' to the Resolution Professional for delivery to the Senior Executive Engineer, HPSEB, Baddi (HP).



(Justice R.P.Nagrath)
Member (Judicial)

June 02, 2017
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