

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1497 of 2022

&

I.A. No. 4748, 4691 of 2022

IN THE MATTER OF:

Maharashtra Industrial Development Corporation

...Appellant

Versus

Bhadrashree Steel & Power Ltd. & Ors.

...Respondents

Present:

For Appellant: Mr. Rohan Agrawal, Ms. Shraddha Dube Patil, Mr. Anandh, Advocates

For Respondent:

ORDER

04.01.2023: This is an Application (I.A. No. 4691 of 2022) praying for condonation of 99 days delay in refiling the Appeal. The cause shown by Learned Counsel for the Applicant in the Application is that defects were communicated three or four times and advocate representing the Appellant's being stationed at Bombay and due to some miss communication and unavoidable work commitments, the process consumed unforeseen time. Cause shown sufficient, Delay in refiling the Appeal is condoned.

2. Heard Learned Counsel for the Appellant.

3. This Appeal has been filed against the Order dated 01st October, 2021 in I.A. No. 1464/2020 in CP No. 1704(IB)/MB/C-II/2017. Application was filed by the Successful Resolution Applicant of the erstwhile Corporate Debtor seeking certain directions.

4. The Adjudicating Authority after hearing the Applicant had taken the following view and issued certain directions, paragraph 24-26 of the Order is to the following effect:

“24. In the light of the above judgement of Hon’ble Supreme Court, the claim of water charges of Rs. 47,06,751/- being pre CIRP charges, the same is extinguished and stands cancelled. Hence the claim of Rs. 47,06,751/- is rejected.

25. Further, in view of the approval of Resolution Plan by way of order of the Tribunal on 14.10.2019 and change of constitution of taking over the Corporate Debtor and 100% change in shareholding of the Corporate Debtor, the Applicant is required to pay the differential premium and transfer charges of Rs. 38,09,600/-

26. The Court doth orders as follows

a) The Resolution Applicant is directed to pay amount of Rs. 38,09,600/- to the Respondent No. 1 towards differential premium and transfer charges.

b) The claim of Rs. 47,06,751/- is thus extinguished and untenable.

c) The Respondent No. 1 is directed to reconnect the water connection to the Applicant upon payment of Rs. 38,09,600/-

d) IA is disposed off with the above direction.”

5. Learned Counsel for the Appellant challenging the Order submits that in so far as the claim towards differential premium and transfer charges of the

Appellant, the Adjudicating Authority has already passed an order in favour of Appellant and however the claim of Rs. 47,06,751/- which was towards water charges has already been extinguished in view of the approval of the Resolution Plan and amount being pre CIRP.

6. Grievance of the Appellant is that the Successful Resolution Applicant did not make an Application in accordance with the policy circular for restoration of water connection which was required to be done as per regulation.

7. Learned Counsel for the Appellant submits that subsequent to passing of Order, appropriate procedures were followed and connection has already been restored in favour of the Appellant.

8. In view of the aforesaid, we are of the view that as far as the rejection of the claim of 47,06,751/- is concerned, there is no error in the order. We only observe that there is no concept of automatic restoration of any water connection and a proper application is required to be made following the procedure and only benefit Successful Resolution Applicant can claim is extinguishment of the dues which are not part of the Resolution Plan.

With these observations, we dismiss the Appeal.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

Basant/nn

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