

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

**I.A. No. 1178 of 2018 in  
Company Appeal (AT) (Insolvency) No. 215 of 2017**

**IN THE MATTER OF:**

**Arkay Energy (Rameshwaram) Ltd. ...Appellant**

**Vs**

**Tamil Nadu Generation & Distribution Co. Ltd. ....Respondent**

**With**

**I.A. No. 1180 of 2018 in  
Company Appeal (AT) (Insolvency) No. 231 of 2017**

**IN THE MATTER OF:**

**IndBarath Thermal Power Ltd. ...Appellant**

**Vs**

**Tamil Nadu Generation & Distribution Co. Ltd. ....Respondent**

**With**

**I.A. No. 1179 of 2018 in  
Company Appeal (AT) (Insolvency) No. 232 of 2017**

**IN THE MATTER OF:**

**IndBarath Powergencom Ltd. ...Appellant**

**Vs**

**Tamil Nadu Generation & Distribution Co. Ltd. ....Respondent**

**Present:**

**For Appellant: Mr. Amit Siball, Sr. Advocate with Mr. Anirudh Wadhwa and Mr. Bhargav R. Thali, Advocates for all Appellants.**

**For Respondent:**

**ORDER**

**10.08.2018:** Learned counsel appearing on behalf of the Appellant(s) submits that the settlement having reached between the parties, the Appellants were permitted to withdraw their appeals. However, no observation has been made with regard to pending applications preferred under Section 9 of the Insolvency and Bankruptcy Code, 2016 in respect of the Appellant(s) (Corporate Debtor).

2. Having heard the counsel for the Appellant, we allow the Appellants and Respondent to bring the settlement reached between the parties and the order passed by this Appellate Tribunal on 29<sup>th</sup> May, 2018 to the notice of the Adjudicating Authority who will consider the question whether the applications preferred by the respondent is maintainable or not.

3. I.A. Nos. 1178 of 2018, 1180 of 2018 and 1179 of 2018 stands disposed of with aforesaid observations.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*am/gc*

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I.A. No. 1179 of 2018 in Company Appeal (AT) (Insolvency) No. 232 of 2017*