NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

I.A. No. 1001 of 2017

IN

Company Appeal (AT) (Insolvency) No. 260 of 2017

IN THE MATTER OF:

M/s. Athena Demwe Power Ltd.

...Appellant

Versus

Indian Bank & Anr.

...Respondents

Present:

For Appellant:

Shri Tarun Johri and Shri Ankit Saini,

Advocates

For Respondents:

Shri Yatin Sachdeva and Shri Sameer Rastogi,

Advocates

ORDER

19.12.2017 In view of the recent decision of the Hon'ble Supreme Court in "Innoventive Industries Ltd. vs. ICICI Bank and Ors., (Civil Appeal Nos. 8337-8338 of 2017)", an application has been filed by 'M/s. Athena Infraprojects Pvt. Ltd.', one of the shareholder of 'Corporate Debtor' with prayer to substitute it as the Appellant in place of Corporate Debtor and to transpose the original 'Corporate Debtor' – 'M/s. Athena Demwe Power Ltd.' through Interim Resolution Professional as 2nd Respondent.

2. Having heard the learned counsel for the parties and being satisfied with the grounds, we allow the petition for substitution. Let 'M/s. Athena Infraprojects Pvt. Ltd.' be substituted as appellant in place of 'Corporate Debtor and the original appellant M/s. Athena Demwe Power Ltd. be transposed as 2nd

Respondent through Interim Resolution Professional. Necessary corrections be made in the cause title of the appeal.

I.A. No. 1001 of 2017 stands disposed of.

Let notice be issued on M/s. M/s. Athena Demwe Power Ltd., through Interim Resolution Professional by Speed Post. Requisite along with process fee, if not filed, be filed by tomorrow i.e. 20th December, 2017. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Appellants have filed rejoinder to the reply in four or five volumes. Learned counsel for the 1st Respondent sought time and is allowed to go through the rejoinder.

Post the matter on 23rd January, 2018.

[Justice S.J. Mukhopadhaya] Chairperson

[Justice Bansi Lal Bhat] Member (Judicial)

/ns/uk