

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 215 of 2017

IN THE MATTER OF:

Aarkay Energy (Rameswaram) Limited **...Appellant**

Vs.

**Tamil Nadu Generation & Distribution
Company Limited** **...Respondents**

And Company Appeal (AT) (Insolvency) No. 231 of 2017

IN THE MATTER OF:

Ind Barath Thermal Power Ltd. **...Appellant**

Vs.

**Tamil Nadu Generation & Distribution
Company Limited** **...Respondents**

And Company Appeal (AT) (Insolvency) No. 232 of 2017

IN THE MATTER OF:

Ind Barath Thermal Power Ltd. **...Appellant**

Vs.

**Tamil Nadu Generation & Distribution
Company Limited** **...Respondents**

**Present: For Appellant: - Shri Amit Sibal, Senior Advocate with
Shri Anirudh Wadhwa, Shri Anirudh Krishnan, Shri
Keerthikaran, Shri Bhargav R. Thali and Shri Hires
Chowdhary, Advocates.**

**For Respondents:- Shri C. Manishankhar, Addl. AG,
Senior Advocate with Shri G. Umapathy, Shri S.
Vallinayagam and Shri C.S. Kiran, Advocates.**

Contd/-.....

ORDER

23.03.2018- Learned counsel for the Respondents failed to bring on record any document to suggest that the Respondents had raised dispute much before the demand notice issued by the Appellants under sub-section (1) of Section 8 of the Insolvency and Bankruptcy Code, 2016. One opportunity is given to the Respondents to bring in on record any evidence (such as letter, e-mail etc.) to suggest that they disputed the claim as raised in the application under section 9 of the 'I&B Code' and was served on the Appellant within two weeks. Rejoinder, if any, may be filed by the Appellant within a week thereof.

Post the matter on 23rd April, 2018.

Pendency of the appeal will not come in the way of parties to settle the dispute.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk