

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

**Company Appeal (AT) No. 237 of 2017**

**IN THE MATTER OF:**

**Power Finance Corporation Ltd.**

**...Appellants**

**Vs**

**Shree Maheswar Hydel Power Corpn Ltd. & Ors.**

**....Respondents**

**Present:**

**For Appellants:**

**Dr. U. K. Chaudhary, Sr. Advocate with Mr. Amrinder Sharan, Sr. Advocate, Ms. Manisha Chaudhary, Mr. Karan Malhotra, Mr. Himanshu Vij, Advocates.**

**For Respondents:**

**Mr. Sarthak Guru, Advocate for Respodent No. 1.  
Mr. Ritin Rai, Ms. Kritika Bharadwaj and Mr. Aabhas Kshetarpal. Advocates for Respondent No. 3.  
Mr. Abhishek Puri, Mr. Yasharth Misra, Ms. Surbhi Gupta, Advocates for the Respondent No. 2, 4, 6 8, 9 and 10.**

**O R D E R**

**25.10.2017:** Learned counsel for the Respondent no. 3 submits that A-2 to 5, 7 to 18 and 21 were not brought before the NCLT and NCLT had in the impugned order in Para 65, Para 74 and Para 84 made observations regarding lack of documents. He submits that the appellant did not file these documents in NCLT and now they had been suddenly filed. Learned counsel for the appellant submits that as per NCLAT rules there is no prohibition for filing documents which were not filed in the lower Tribunal. He stated that he has raised issue that the NCLT did not give opportunity to file these documents and the point has been raised as a law point in this appeal and reference is made to the ground of 'Question of law' xxxvi. Let the Appeal be argued. The effect will be considered later.

Counsel for the appellant is partly heard. Hearing remained part heard.

List the appeal for further hearing on **31<sup>st</sup> October, 2017**.

(Justice A.I.S. Cheema)  
Member (Judicial)

(Mr. Balvinder Singh)  
Member (Technical)

Sh/nn