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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 836/2023**
SOUTH EAST U P POWER TRANSMISSION COMPANY
LIMITED

.....Plaintiff

Through: Mr. Shryeshth Ramesh Sharma, Mr. Abhishek Nangia, Mr. Akash Lamba, Mr. Mohit Gupta, Mr. Shubham Singh, Advocates (M: 8519003427)

versus

IDBI BANK LIMITED & ANR.

.....Defendants

Through: Mr. Praful Jindal, Advocate for D1
Mr. Varun Kumar Tikmani, Mr. Shivam Sharan, Mr. Ramakant Rai, Advocates for D2
Mr. Abhinav Mishra, Ms. Nivedita Chauhan, Ms. Jagriti Dosi, Ms. Komal Singh, Advocates for applicant in I.A. No. 7368/2024

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

% 16.01.2025

CS(COMM) 836/2023

1. As per office noting, affidavit of admission /denial has been filed on behalf of defendant no. 2 but same is not filed on behalf of defendant no. 1.
2. Hard copy of documents filed on behalf of defendant no. 2. Let affidavit of admission / denial be filed on behalf of defendant no. 1 in compliance of order Dated 21.11.2024.



3. Put up for completion of process of filing of Joint Document Schedule in terms of **Rule 7A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018** physically by plaintiff after getting it signed from defendants, admission / denial of documents and marking of Exhibits in accordance with law. Documents, if e-filed be filed physically by parties so as to mark the Exhibits.

I.A. No. 23199/2023(u/O XXXIX R 1 & 2 CPC)

4. Pleadings already complete.

I.A. No. 7368/2024(by applicant u/O I R 10 CPC for impleadment of M/s Isolux Corsan India Engineering & Construction Private Limited through its liquidator)

5. Defendant no. 1 already raised no objection to this application.

6. As per previous order, plaintiff and defendant no. 2 raised objections on the maintainability of the present application and thereafter learned counsel for applicant sought time to place on record the relevant order of approval.

7. The applicant had already placed on record compliance affidavit including the order of the Hon'ble NCLT Dated 28.04.2022. During arguments she referred Page No. 2 of the said order stating that their application i.e. I.A. No. 405/2021 was allowed vide that order in matter Oriental Bank of Commerce Vs. Isolux Corsan India Engineering and Construction Private Limited and vide that order, applicant was allowed to defend all the litigation mentioned in the list Annexure C-2 i.e. prosecution or other consequential proceedings civil as well as criminal nature.

8. On the other hand, learned counsel for plaintiff and defendant no. 2 objected upon the same stating that through the aforesaid order, only liberty



was granted to the applicant to proceed as per law but the applicant had not proceeded as per law and had not taken the requisite approval in view of the Section 33(5) of the Insolvency and Bankruptcy Code, 2016.

9. Thereafter, arguments further advanced on merit also on behalf of the applicant as well as defendant no. 2 & plaintiff.

10. I have considered the submissions and have gone through the records. Regarding the objections raised by learned counsel for plaintiff and defendant no. 2 on the maintainability of the present application, some clarifications are required pertaining to order of the Hon'ble NCLT and the document Annexure C-2 mentioned in the said order Dated 28.04.2022.

11. Hence, put up for clarifications and further arguments, if any for 03.02.2025.

DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 16, 2025/sms

Click here to check corrigendum, if any