

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, CHENNAI BENCH**  
**Company Appeal(AT) (CH)(Insolvency) No. 234 of 2021**

**IN THE MATTER OF:**

**Sumit Binani RP** **...Appellant**  
**(KSK Mahanadi Power Company Ltd.)**

**Vs**

**V Venkatachalam RP**  
**(M/s KSK Water Infrastructures P Ltd.) & 2 Ors.** **....Respondents**

**Present:**

For Appellant : Mr. Arun Kathpalia, Sr. Adv,  
Mr. Anoop Rawat, Mr. Vaijayant Paliwal,  
Mr. Zeeshan Khan, Mr. Allwin Godwin,  
Ms. Charu Bansal, Advocates

For Respondent No.1  
/Resolution Professional: Mr. Y. Suryanarayanan, Advocate  
Ms. Aditi Deshpande, Advocate  
Mr. Tushar Nagar, Advocate  
Mr. Badri Narayanan, Advocate

For Respondent No.3 : Mr. Bishwajit Dubey,  
Ms. Srideepa Bhattacharyya,  
Ms. Neha Shivhare,

**ORDER**  
**(Through Virtual Mode)**

**01.10.2021** Heard Mr. Arun Kathpalia, the Learned Senior Counsel for the Appellant and Mr. Y Suryanarayanan, the Learned Counsel appearing for Respondent No. 1/Resolution Professional of M/s KSK Water Infrastructures P Ltd.

After having heard the Learned Senior Counsel for the Appellant as well as the Learned Counsel for the Respondent No. 1/RP at length, because of the arguments advanced and contentious issues raised in the instant 'Appeal', this Tribunal deems it fit and proper in directing the Respondent No. 1/RP to file a detailed Reply/Response/Counter to the present 'Appeal' within three weeks

from today before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' and the copy of the same shall be exchanged between the Learned Senior Counsel appearing for the Appellant as well other Parties appearing in this appeal well in advance before the next date of 'Hearing'.

After receipt of Reply/Response/Counter from the Respondent No. 1/RP, it is open to the Learned Counsel for the Appellant to file Rejoinder within three days thereafter before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' and the copy of the same shall be exchanged between them well in advance before the next date of 'Hearing'.

Taking into consideration to the submissions made on either side, at this stage, this Tribunal simpliciter, without delving deep into the merits of the main 'Appeal' and also not expressing any opinion about the merits of the matter, quite in the fitness of the things, this Tribunal directs the Appellant to pay 50% of the outstanding due to the Resolution Professional of the Respondent No. 1 within one month from today and further the Appellant is also directed to pay Bill(s)/Invoices to be raised or raised by the Respondent No. 1 periodically without fail.

Before the next date of 'Hearing' it is open to the Learned Senior Counsel for the Appellant to submit 'Notes of Submission' containing not more than three to five pages, together with relevant 'Citations'/'Decisions' before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' and the copy of the same shall be exchanged between the respective Parties well in advance before the next date of 'Hearing'.

Liberty is also granted to the Learned Counsel for the Respondent No. 1 to file letter dated 30.03.2017 addressed to the Appellant in the form of Paper

Book/Type set before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' before the next date of 'Hearing'.

It is open to the Respondent No. 3 to file their Reply/Response/Counter within three weeks from today before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' and the copy of the same shall be exchanged between the respective parties well in advance before the next date of 'Hearing'.

After receipt of Reply/Response/Counter from the Respondent No. 3, it is open to the Learned Counsel for the Appellant to file Rejoinder within three days thereafter before the 'Office of the Registry' not only through e-filing but also in the form of 'Hard copy' and the copy of the same shall be exchanged between them well in advance before the next date of 'Hearing'.

It is open to the Learned Counsel appearing for the respective Parties to furnish 'Notes of Submission', containing not more than three to five pages along with 'Citations'/'Decisions', which they rely upon, before the 'Office of the Registry' not only through e-filing but also in the form of Hard copy and the copy of the same shall be exchanged between the Parties well in advance before the next date of 'Hearing'.

The 'Office of the Registry' is directed to List the matter on **8<sup>th</sup> December, 2021**.

**[Justice M. Venugopal]  
Acting Chairperson**

**(Kanthi Narahari)  
Member(Technical)**

*Akc/Md*