

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

**Company Appeal (AT) (Ins) No.172 of 2021**

[Arising out of Order dated 03.02.2021 passed by National Company Law Tribunal, New Delhi Bench (Court – II) in (IB)- 244(ND)/2017]

**IN THE MATTER OF:**

**Before NCLT**

**Before NCLAT**

Union Bank of India  
(Erstwhile Corporation  
Bank)  
Stressed Assets Management  
Branch  
M-93 Connaught Place,  
New Delhi 110001

Applicant/  
Petitioner

Appellant

**Versus**

M/s. Athena Demwe Power  
Ltd.  
Front Side, Third Floor,  
Part of Property  
No.E-561, 561-A,  
G.R. Plaza, Palam,  
Sector – 7, Dwarka  
New Delhi – 110075

Respondent

Respondent

**For Appellant:**

**Shri Alok Kumar and Shri Abhayveer Sharma,  
Advocates**

**For Respondent:**

**Shri Arun Kathpalia, Sr. Advocate (Intervener)  
Shri Sujoy Datta (RA)**

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

**09.03.2021** Heard learned Counsel for the Appellant. Senior Counsel – Mr. Arun Kathpalia intervened on behalf of one of the Resolution Plan Applicant. It is stated by the learned Counsel for the Appellant that

Application under Section 7 of Insolvency and Bankruptcy Code, 2016 (IBC – in short) was admitted on 28.09.2017 and in spite of passing of more than 1316 days, the matter is still pending before the Adjudicating Authority (National Company Law Tribunal, New Delhi Bench - Court II). It is numbered as (IB)- 244(ND)/2017. It is submitted by the learned Counsel for the Appellant that in the CIRP, even Resolution Plan has been approved by COC (Committee of Creditors) and is pending before the Adjudicating Authority for approval since 11<sup>th</sup> July, 2018. The learned Counsel for the Appellant submits that the Application CA 235 of 2018 was filed by Navyuga Engineering Company Pvt. Ltd. on 22<sup>nd</sup> June, 2018 when the said Resolution Applicant was treated as disqualified under Section 29A of IBC. Mr. Kathpalia appearing for the said Resolution Applicant, is present and agrees with the learned Counsel for the Appellant. Both the learned Counsel state that since then, the matter has been pending and adjourned on various dates before the learned Adjudicating Authority. At one point of time, CA 235 of 2018 was even heard and Orders were reserved as can be seen from (Annexure A-9 – Page 59). However, thereafter, the Member (Judicial) retired and then the matter again got reopened and has remained pending as it is stated that last year around March, Pandemic set in, and so the matter has got delayed. The learned Counsel for both sides accept that the docket of the Adjudicating Authority is busy but still make a request that efforts need to be made to dispose CA 235 of 2018 and Adjudicating Authority needs to pass further Orders in the matter with regard to other pending Applications also.

Considering the facts stated, the present Appeal is disposed with a request to the learned Adjudicating Authority to make an effort to dispose the pending IAs in 244(ND)/2017 at the earliest.

The Appeal is disposed accordingly.

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

[Dr. Alok Srivastava]  
Member (Technical)

*rs/md*