

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**MENTIONING MATTER**  
**(IB)-1397(PB)/2019**

**IN THE MATTER OF:**

Diamond Traexim Pvt Ltd

v.

Indirapuram Habitat Centre Pvt Ltd.

.... Petitioner/Applicant

.... Respondent

**IN THE MATTER OF: IA-5646/2022**

Narender Kumar Sharma, RP

v.

Electricity Urban Distribution Division VIII, Ghaziabad .... Respondent

.... Applicant

**Order Under Section 7 of Insolvency & Bankruptcy Code (CIRP)**

**Order delivered on 18.11.2022**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR**  
**HON'BLE PRESIDENT**

**SH. AVINASH K. SRIVASTAVA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the RP

Mr. G.P. Madaan, Adv.

**ORDER**

**IA-5646/2022**

1. This is an application filed by Resolution Professional for seeking following reliefs:-

*“a) Direct the respondent to restore the electricity connection of the Corporate Debtor immediately;*

*b) Direct the respondent to refrain from disconnecting or interrupting the electricity supply of the Corporate Debtor and to continue the supply of electricity till the culmination of the CIR process of the Corporate Debtor*

*c) Pass any other such further orders as may be deemed fit and proper in the facts of the present case.”*

2. Ld. Counsel for the RP argued that Electricity Urban Distribution Division VIII, Ghaziabad has disconnected the electricity supply stating that it was a temporary connection. The Learned Counsel has drawn our attention to Section 14(2) and Section 14(2A) of the Insolvency and Bankruptcy Code, 2016 r/w Regulation 32 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 which reads as under:-

**Section 14: Moratorium.**

*(2) The supply of essential goods or services to the corporate debtor as may be specified shall not be terminated or suspended or interrupted during moratorium period.*

*[(2A) Where the interim resolution professional or resolution professional, as the case may be, considers the supply of goods or services critical to protect and preserve the value of the corporate debtor and manage the operations of such corporate debtor as a going concern, then the supply of such goods or services shall not be terminated, suspended or interrupted during the period of moratorium, except where such corporate debtor has not paid dues arising from such supply during the moratorium period or in such circumstances as may be specified;]*

**Regulation 32: Essential supplies.**

*The essential goods and services referred to in section 14(2) shall mean-*

- (1) electricity;*
- (2) water;*

*(3) telecommunication services; and  
(4) information technology services  
to the extent these are not a direct input to the output produced  
or supplied by the corporate debtor.*

*Illustration- Water supplied to a corporate debtor will be  
essential supplies for drinking and sanitation purposes, and not  
for generation of hydro-electricity.”*

3. In this case CIRP was initiated on 22.08.2019 and the moratorium is in force.

4. In view of the above provisions of law, the electricity board has no authority to disconnect the power supply and therefore, they are directed to restore the power supply forthwith on receipt of copy of this order.

5. However, notice is issued to Electricity Urban Distribution Division VIII, Ghaziabad to respond after restoring the power supply and place the relevant facts before us on the next date of hearing.

7. List the matter for physical hearing on 25.11.2022.



**(RAMALINGAM SUDHAKAR)  
PRESIDENT**



**(AVINASH K. SRIVASTAVA)  
MEMBER (TECHNICAL)**

18.11.2022  
Ritu Sharma