

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

**Company Appeal (AT) (Insolvency) No. 660 of 2019**

**IN THE MATTER OF:**

**Electro Magnetic Industries**

**...Appellant**

**Vs.**

**M/s. Energo Engineering Projects Ltd.**

**...Respondent**

**Present: For Appellant: - Mr. Ankit Kumar, Advocate.**

**For Respondent: - Mr. Abhishek Anand and Ms. Honey Satpal, Advocates.**

**O R D E R**

**25.11.2019—** Mr. Ankit Kumar, learned counsel appearing on behalf of the Appellant submits that the Appellant has handed over the machinery to 'M/s. Sanjay Gandhi Thermal Power Project, 'Madhya Pradesh Power Generating Company Limited' in terms of the order dated 24<sup>th</sup> May, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi. It is also accepted by the learned counsel appearing on behalf of the Liquidator.

2. As it is admitted that the liquidation proceeding has already been initiated, we allow the Appellant to file its claim before the Liquidator of 'M/s. Energo Engineering Projects Limited' who is required to verify the claims under Clause (a) of sub-section (1) of Section 35 of the Insolvency

Contd/-.....

and Bankruptcy Code, 2016 ("I&B Code" for short) and thereafter, on consolidation of claims under Section 38 of the 'I&B Code' and after verification of claims under Section 39, it is the Liquidator who is empowered to admit or reject the claim under Section 40. If the Appellant is aggrieved thereafter may prefer appeal under Section 42 before the Adjudicating Authority.

So far as the imposition of cost or penalty or payment of interest is concerned, we are of the view that it is not a fit case.

The appeal stands disposed of with aforesaid observations and directions. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

(Justice Venugopal M)  
Member(Judicial)

Ar/g