

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No. 781 of 2019

IN THE MATTER OF:

C & C Construction Ltd.

Through Navneet Kumar Gupta,(RP)

Vs.

.....Appellant

Power Grid Corporation of India Ltd.

.....Respondents

Present :

For Appellant:

Mr. Pulkit Deora with Ms. Arunima Bhattachar

For Respondents:

Mr. K. Dattta, Mr. Apoorv Tripathi, Mr. Dheeresh Dwivedi, Ms. Pallavi Srivastava, Advocates

O R D E R

01.08.2019 - Learned counsel for the Appellant submitted that during Moratorium u/s 14 of the Insolvency & Bankruptcy Code, 2016 ('I&B' Code, for short), the Bank Guarantee given by the Bank on behalf of the 'Corporate Debtor' in favour of one or other Association cannot be allowed to be withdrawn as it will affect the functioning of the 'Corporate Debtor'.

2. It is submitted that as per Work Order, the 'Corporate Debtor' is to complete the job of constructing distribution tower on behalf of the 'Power Grid Corporation of India Ltd.'. The Bank Guarantee has been given on behalf of the 'Corporate Debtor' to parties for such work. ...contd.

3. Learned Counsel for the Respondent submits that Bank Guarantee in question is a 'Performance Guarantee' which do not come within the ambit of Section 14 (Moratorium) of 'I&B' Code.

4. Let notice be issued.

Mr. K.Datta along with Mr. Tripathi, learned counsel appearing on behalf of Respondent prays for and is allowed ten days' time to file reply-affidavit.

Post the appeal for 'Orders' on **14th August, 2019**.

5. The Impugned Order dated 22nd July, 2019 passed by the Adjudicating Authority ('National Company Law Tribunal') Principal Bench, New Delhi shall remain stayed till next date.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

ss/gc