

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT – 2

ITEM No.306

IA/1427(AHM)2025 in CP(IB) 266 of 2019

Proceedings under Section 60(5) of the IBC,2016

IN THE MATTER OF:

Dakshin Gujarat Vij Company Limited

.....Applicant

V/s

Mr.Naren Sheth RP of Jaybharat Textiles & Real Estate
Limited

.....Respondent

Order delivered on: 14/07/2026

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

This case is fixed for pronouncement of order

The order is pronounced in open court vide separate sheet.

sd/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

sd/-

CHITRA HANKARE
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD (COURT - II)**

**I.A. No. 1427 OF 2025
In
COMPANY PETITION (IB) NO. 266 OF 2019**

IA No. 1427 OF 2025

*(Application Filed Under Section 60(5) of the Insolvency and Bankruptcy
Code, 2016)*

Memo of Parties:

Dakshin Gujarat Vij Company Limited
through its authorised representative
Mr. Parimalkumar Maganbhai Patel
Executive Engineer (O&M) Vapi Rural Division
Male, Aged 50 Years
Having Office At: Vapi Rural Division Office,
N.H.No.48, Balitha, Vapi, Dist. Valsad-396191 ...Applicant

Versus

Mr. Naren Sheth
Resolution Professional Of Jaybharat
Textiles & Real Estate Limited
Having Office At: 1014-1015, Prasad Chamber,
Tata Road No. 1, Opera House,
Charni Road (East), Mumbai 400 004 ...Respondent

Order pronounced on 14.07.2026

Coram:

**MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)**

**MR. VELAMUR G VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)**

Present:

For the Applicant : Mr. Maulik Nanavati, Adv

JUDGEMENT

1. The present application has been filed under section 60(5) of the IBC, 2016 by Dakshin Gujarat Vij Company Limited, seeking, inter alia, a direction to the Resolution Professional to admit its claim as a secured operational creditor and include the same in the resolution plan pending for approval before this Tribunal.
2. The applicant is a company engaged in the business of electricity distribution in the State of Gujarat. It is the case of the applicant that the Resolution Professional failed to consider the applicant's claim submitted as a secured operational creditor of the Corporate Debtor. The Applicant submits that despite receipt of its claim, the Resolution Professional is not dealing with the same on the other hand sought approval of the resolution plan from the Committee of Creditors and filed IA No. 165 of 2021 in CP (IB) No. 266 of 2019 seeking approval of the resolution plan without including the Applicant's claim. It is submitted that the Corporate Debtor had obtained a high tension electricity

connection from the applicant on 02.05.2007. Upon inspection on 07.08.2008, unauthorized use of electricity was detected, pursuant to which proceedings under Section 126 of the Electricity Act, 2003 were initiated and a final assessment bill dated 10.09.2008 for Rs.26,57,820.50/- was issued. The Appellate Authority set aside the assessment by order dated 06.04.2009; the said order was reversed by the Hon'ble High Court of Gujarat vide order dated 04.12.2017 in Special Civil Application No.8464 of 2009, which was affirmed in an intra-court appeal being Letters Patent Appeal on 31.01.2019. As the dues remained unpaid, the electricity connection was temporarily disconnected on 05.03.2018 and permanently terminated on 01.08.2019.

3. The Applicant further submits that it instituted Regular Civil Suit No. 10 of 2021 for recovery before Civil court, Vapi. As neither the Corporate Debtor nor the Resolution Professional disclosed the initiation of CIRP, the suit proceeded ex parte and passed a judgement and decree dated 27.06.2024. During execution proceedings to recover decretal amount of Rs.24,35,361.24/- with 18% p.a.

running interest, when attachment was sought on 12.08.2025, the bailiff of the court was informed of the CIRP of the corporate debtor. Thereafter, after obtaining the relevant records, the applicant submitted its claim in Form B for Rs.22,41,181.96/- to the Resolution Professional on 09.09.2025, which was received by RP on 12.09.2025 and was also forwarded by email.

4. The applicant submitted that the Resolution Professional neither acknowledged nor rejected the claim. The Resolution Professional failed to discharge his statutory obligations/duties by not responding to the claim, by not informing the Civil Court or the applicant about the commencement of the CIRP despite service of court summons, and by not placing the belated claim before this Tribunal for appropriate directions. It is submitted that the Resolution Professional has no adjudicatory power to reject or ignore a claim on the ground of delay.
5. We have considered the submissions of the Applicant and perused the material available on record. It is noticed that despite opportunities granted, no reply has been filed by the Resolution Professional.

6. It is pertinent to note that by a separate order passed by this Tribunal in IA No. 296 OF 2020 in Company Petition (IB) NO. 266 OF 2019, the Committee of Creditors has been directed to be reconstituted and a new Resolution Professional has been appointed. In view of the same, the applicant's claim is required to be considered by the newly appointed Resolution Professional in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 and IBBI Regulations.

7. Therefore, we pass the following orders:

ORDER

- I. The Applicant is directed to submit its claim, along with all supporting documents, before the newly appointed Resolution Professional.
- II. IA 1427 of 2025 in CP (IB) 266 of 2019 is disposed of.

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DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

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CHITRA HANKARE
MEMBER (JUDICIAL)

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