



**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, COURT-II**

I.A (IBC) No 617/KB/2025

In C.P (IBC) No 522/KB/2018

**An Application under Section 60(5) of the insolvency and bankruptcy
read with rule 11 of the National Company Law Tribunal, 2016**

IN THE MATTER OF:

State Bank of India

...Financial Creditor

Versus

Silverton Spinners Limited

... Corporate Debtor

AND

IN THE MATTER OF:

Mr. Pratim Bayal

(Reg No. IBBI/IPA-003/IP-N00213/2018-2019/12385),

Liquidator, Silverton Spinners Limited



(in Liquidation) having his office at 18/1
Tarapukur Main Road, Ghosh Para, Agarpara,
Kolkata, West Bengal, 700109.

... Applicant

-Versus-

West Bengal State Electricity Distribution
Company Limited,
having its office at Vidyut Bhavan,
Karunamoyee, Salt Lake, Kolkata
700091.

... Respondent

Coram:

Shri Labh Singh	:	Member (Judicial)
Ms. Rekha Kantilal Shah	:	Member (Technical)

Date of Pronouncement: 08.07.2025

Appearance (Hybrid Mode)

For Liquidator-:

- i. Mr. Shaunak Mitra , Adv.
- ii. Ms. Namrataan Basu, Adv.
- iii. Mr. Pratim Bayal, Liquidator



ORDER

Per: Rekha Kantilal Shah, Member (Technical)

1. This Court is congregated through hybrid mode.
2. By an order dated 8 November 2019 Corporate Insolvency Resolution Process ("CIRP") was initiated against Silverton Spinners Limited, the Corporate Debtor, inter alia appointing one Mr. Parveen Bansal as the Interim Resolution Professional ("IRP").
3. In the 9th COC meeting held on 13 February 2023, members with 83.30% voting share decided in favour of liquidation of the Corporate Debtor. This Hon'ble Tribunal vide order dated 25 January 2024 was inter alia pleased to pass order for liquidation of the Corporate Debtor and appointed Mr. Pratap Mukherjee, as the Liquidator.
4. Thereafter, upon an application by the Stakeholder's Consultation Committee ("SCC"), the Hon'ble NCLT by an order dated 30 August 2024, was inter alia pleased to appoint the applicant as the liquidator.
5. This application has been filed in CP (IB) No. 522/KB/2018 by liquidator (Hereinafter referred to as **Applicant**) against the West Bengal State Electricity Distribution Company Limited (Hereinafter referred to as **Respondent**). This IA seeks the following reliefs:
 - i. An order be passed directing the respondent to forthwith restore the temporary electricity connection for lighting



at the Corporate Debtor's plant premises, lying and situated at Falta Industrial Growth Centre, Sector-4, 24 Parganas South, West Bengal – 743504

- ii. Ad interim Orders in terms of the prayers above:
- iii. To pass such further orders and directions as this Hon'ble Tribunal may deem fit and proper for the ends of justice.

Submission of the Applicant:

- 6. In 7th SCC Meeting held on 30 September 2024, the SCC members discussed regarding the audit and assessment for machinery and that the same should be conducted by specialized consultants, leading to which, on 5 November 2024, in the course of the 8th SCC Meeting, the financial quote received from one MEP Projects & Engineering Services Limited was discussed for conducting audit and assessment of the plant machinery of the CD. Thereafter, they were appointed for the said purpose on 16 November 2024.
- 7. On 6 December 2024, the applicant sent an email to the respondent, inter alia, intimating that the Corporate Debtor is currently under liquidation and shall undergo an auction process and thereby requesting for a temporary electricity connection for a period of 15 days at the plant of the Corporate Debtor. However, on the same day the respondent replied to the said email and inter alia stated that there was an outstanding in respect of the said premises and thereby they will not be able to provide any connection to the said premises.



8. On 9 December 2024 the applicant once again sent an email to the respondent and stated that in case of any outstanding dues, and/or claims related to the Corporate Debtor, the same should be filed with the applicant and additionally reminded the respondent that as per the provisions of the Code, the suppliers of essential goods and services are required to continue such supplies to the Corporate Debtor, unless otherwise directed by the Hon'ble NCLT.
9. Subsequently, the applicant filed an application being I.A (I.B.C) /2450(KB)/2024 before this Hon'ble Tribunal inter alia praying for a direction on the respondent to provide a temporary electricity connection for a period of 30 days at the Corporate Debtor's plant premises, lying and situated at Falta Industrial Growth Centre, Sector-4, 24 Parganas South, West Bengal - 743504 (Station- Diamond Harbour-FSEZ).
10. This Hon'ble Tribunal vide its Order dated 20 December 2024 was pleased direct the respondent to forthwith provide a temporary electricity on for a period of 30 days at the Corporate Debtor's plant lying and situated at Falta Industrial Growth Centre, Sector-4, 24 Parganas South, West Bengal - 743504 (Station- Diamond Harbour-FSEZ)
11. Thereafter, on 10 January 2025, the 10th SCC Meeting was held wherein that the liquidation period was expiring on 24 January 2025 assessment of machinery and auction would take further time, the liquidator requested for a six months extension period to complete the liquidation process which was unanimously agreed by



the SCC members. This Hon'ble Tribunal vide its Order dated 28 January was pleased to extend the period for completion of liquidation for a period of 6 (six) months.

12. On 18 February 2025, the applicant sent an email to the respondent requesting for continuation of the electricity connection considering that the Corporate Debtor is still undergoing liquidation and that the electricity connection is crucial for the security and protection of the Corporate Debtor's assets at its plant premises which will be put to auction. The Applicant also assured the respondent that the payment for the electricity connection will be made in full. However, on 24 February 2025, the respondent replied to the said email and inter alia stated that the electricity connection will be disconnected from 27 February 2025. Thereafter, the electricity connection was disconnected by the respondent from 28 February, 2025.
13. The auction notice is issued by the liquidator on 10 June 2025 and the inspection window is open till 11 July 2025.
14. Thus, the applicant submits this application under Section 60(5) of the Insolvency & Bankruptcy Code, 2016, read with Rule 11 of the National Company Law Tribunal Rules, 2016.

Analysis and Finding

15. Heard the learned counsel and perused the record.
16. By an order dated 22nd April, 2025, this Tribunal directed the applicant to serve notice upon the respondent by Speed Post and email. The applicant has submitted proof of service, showing that



notice was served via email on 24th April, 2025. However, the respondent has neither appeared before this Tribunal nor filed a reply.

17. The Applicant has submitted vide its affidavit dated 27 June 2025 and undertakes that upon restoration of electricity supply, the Applicant shall make immediate payment of all electricity dues arising post such restoration, upon receipt of demand from the Respondent.
18. It is also observed that the Respondent has not chosen to file their claim for the dues prior to the date of commencement of liquidation process. However, the Applicant undertakes that the claim shall be considered and dealt with in accordance with the provisions of Section 53 of the Code, upon filing and admission of such claims by the Respondent. Also, the dues pertaining to the CIRP period i.e from 8 November 2019 shall be considered as CIRP cost and shall be paid in priority by the liquidator, in accordance with the law.
19. At this juncture when the Corporate Debtor is putting the plant and machinery under auction, the interested parties do visit to the premises for due diligence before participation of auction. It is important to have electricity so that the interest parties can make their assessment for which electricity is the necessity.
20. Restoration of electricity is essential to ensure the safety and upkeep of the machinery and assets of the Corporate Debtor lying



in the factory premises. Also, to facilitate the inspection of said assets by the bidders the electricity is needed.

21. Certainly, it is a basic necessity and essential service to ensure the upkeep of assets and also would in turn supports in maximising the value of assets.
22. In view of above, we hereby direct the respondent “West Bengal State Electricity Distribution Company Limited” to forthwith restore the temporary electricity connection for lighting at the Corporate Debtor's plant premises, lying and situated at Falta Industrial Growth Centre, Sector-4, 24 Parganas South, West Bengal – 743504.
23. We also direct the liquidator to ensure the timely payment made once the electricity is restored for as per the undertaking given in the affidavit filed. Meanwhile, the respondent may file their claims with the liquidator and liquidator shall consider and the same, if filed, after verification and give a treatment in accordance with the provisions of the Code.
24. Accordingly, the said IA 617/KB/2025 is disposed of.

Rekha Kantilal Shah
Member (Technical)

Labh Singh
Member (Judicial)

Order Signed on 08.07.2025