

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

**I.A. No. 1987 of 2020**

**IN**

**Company Appeal (AT) (Ins.) No. 926 of 2019**

**In the matter of:**

**Flat Buyers Association Winter  
Hills-77**

**....Appellant**

**Vs.**

**Umang Realtech Pvt. Ltd.  
Through IRP & Ors.**

**....Respondents**

**Present**

**For Appellant: Ms. Shweta Bharti, Mr. Shantanu Malik &  
Ms. Mitansha Chopra, Advocates.**

**For Respondents: Mr. Manish Kumar Gupta, for IRP.  
Mr. Anuj Mittal, for Intervenor.  
Mr. Saurabh Gauba (Intervenor, for allottee Anuj  
Mittal).  
Mr. Shobit Nanda (Intervenor for Ravinder Kr. Nanda,  
Homebuyer).  
Mr. Manoj K. Singh & Mr. Vijay K Singh, for Uppal  
Housing/ Intervenor.  
Mr. Manhar Singh Saini, [Intervention for ICP  
Investments (Mauritius) Limited].  
Mr. Ankur Singhal, for Brilltech Engineers Private  
Limited.  
Mr. Gyanendra Kumar & Mr. L.C.N. Shahdeo, for RP.  
Mr. Gaurav Verma, Advocate.**

**With**

**Contempt Case (AT) No. 28 of 2020**

**IN**

**Company Appeal (AT) (Ins.) No. 926 of 2019**

**In the matter of:**

**Pooja Mining & Marbles Pvt. Ltd.**

**....Appellant**

**Vs.**

**Umang Realtech Pvt. Ltd.  
Through IRP & Ors.**

**....Respondents**

**Present****For Appellant: Mr. Gautam Singh, Advocate.****For Respondents: Mr. Manish Kumar Gupta, for IRP/ R-1.  
Mr. Gaurav Verma, Advocate.****With****Contempt Case (AT) No. 02 of 2021****IN****Company Appeal (AT) (Ins.) No. 926 of 2019****In the matter of:****Brilltech Engineers Pvt. Ltd.****....Appellant****Vs.****Manish Kumar Gupta, IRP****....Respondents****Present****For Appellant: Mr. Ankur Singhal, Advocate.****For Respondents: None.****ORDER**  
**(Virtual Mode)****28.06.2021:** Learned Counsel for Appellant is present.

Learned Counsel Shri Manish Kumar Gupta appeared on behalf of the IRP.  
Shri Manoj Kumar appeared on behalf of the Intervenor.

From perusal of the Order dated 13.01.2021 it reveals that this Court took on record the Affidavit has been filed by 'Uppal Housing Pvt. Ltd.' in compliance of the order dated 14<sup>th</sup> December, 2020. Further, after perusing the Affidavit the Respondents were directed to file a supplementary affidavit elucidating the aspect of handing over/ delivery of possession to the allottees with specific numbers along with particulars of completion certificate, within one week.

Pursuant thereto, an affidavit was filed on 22<sup>nd</sup> January, 2021, whereby in Para 2 the averments have been made that in paragraph 4 (iv) of the affidavit filed on behalf of the 'Manish Kumar Gupta, Interim Resolution Professional Umang Realtech Pvt. Ltd./ Applicant in compliance of the order dated

13.01.2020 it transpires that 532 number of allottees have taken possession by giving as a token of acceptance of the possession by Umang Realtech Private Limited.

Further, it has been delivered that Corporate Debtor had entered into a Memorandum of Understanding by order dated 5<sup>th</sup> October, 2019. In furtherance it was submitted that the said MOU, customers agreed to take possession of their apartments. All the chart shows the status of possession of 532 allottees is annexed and marked as Annexure-A of the Affidavit. Let the Affidavit be taken on record.

Further, order reveals that an I.A. bearing diary no. 24632 filed on 12.01.2021 by ICP Investments (Mauritius) Limited was dismissed and further the matter was directed to be listed on 27<sup>th</sup> January, 2021.

But, the matter could not be listed on that dated. So, an e-mail dated 15<sup>th</sup> June, 2021 sent by Ms. Mitansha Chopra & Ms. Shweta Bharti addressed to Registrar of NCLAT, which is on record, whereby request was made to list this matter on earlier date, so this matter has been listed today.

Today, when the case was called out Learned Counsel for the Appellant inform this Appellate Tribunal that the Learned Senior Counsel Mr. Rajiv Bansal was died in the second wave of Covid-19. So, Learned Counsel for the Appellant prayed for some time to arrange a Senior Counsel for the Appellant. Prayer allowed. Two-week time is granted to make arrangement for the Appellant Counsel.

Learned Counsel Mr. Manoj Kumar Singh submitted that in terms of the Order dated 13.01.2021 Respondent has sought extension of six months for completion of the leftover work. This Tribunal granted two months to complete the project in all respects alongwith observance of all legal formalities but more than five months has been passed. So, he is directed to file a fresh affidavit indicating the status of the project, whether it has been completed or not and further number of persons who have occupied the flats and how many persons have not occupied.

The Resolution Professional of this project Mr. Manish Kumar Gupta is directed to file hard copy of the latest Status Report, within two weeks from today. Further, they are directed to indicate the number of persons to whom 'NOC' has been received from JM Finance.

List I.A. No. 1987 of 2020 in Company Appeal (AT) (Ins.) No. 926 of 2019 & Contempt Case (AT) No. 28 of 2020 in Company Appeal (AT) (Ins.) No. 926 of 2019 **'For Orders'** alongwith Contempt Case (AT) No. 02 of 2021 in Company Appeal (AT) (Ins.) No. 926 of 2019 **'For Admission (Fresh Case)'** on **15<sup>th</sup> July, 2021 at 2:00 P.M.**

**[Justice Anant Bijay Singh]**  
**Member (Judicial)**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

**[Ms. Shreesha Merla]**  
**Member (Technical)**

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