

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

I.A No. 1987 of 2020

In

Comp. App. (AT) (Insolvency) No. 926 of 2019

IN THE MATTER OF:

Flat Buyers Association Winter Hills77.

... Appellant

Versus

Umang Realtech Pvt. Ltd. Through IRP & Ors.

...Respondents

Present:

For Appellant :

**Mr. Rajiv Bansal, Senior Advocate with
Mr. Gyanendra Kumar, Advocate for the Applicant**

**Ms. Shweta Bharti and Mr. Shantanu, Advocates for
the Appellant**

For Respondent :

**Mr. Manish Kumar Gupta, IRP
Mr. Kunal Sabharwal and Ms. Anisha Mahajan,
Impleader
Mr. Sumesh Dhawan, Advocate for Intervener**

O R D E R

(Through Virtual Mode)

04.09.2020 I.A. No. 1987 of 2020 has been preferred by Mr. Manish Kumar Gupta, Interim Resolution Professional of 'Umang Realtech Pvt. Ltd.' seeking extension of time for compliance of directions contained in order dated 4th February, 2020 till 20th February, 2021 with further direction to allottees of 'Winter Hills – 77 Gurgaon' to make payment of the entire instalment amount forthwith.

Heard Mr. Rajiv Bansal, learned Senior Counsel representing the Applicant (Interim Resolution Professional). It appears that the 'Company Appeal (AT) (Insolvency) No. 926 of 2019' was disposed off in terms of the judgment rendered on 4th February, 2020 with a slew of directions and it is in

context of compliance of such directions that extension of time is sought by the IRP for the reasons assigned in I.A. No. 1987 of 2020.

Ms. Shweta Bharti, Advocate representing the Appellant in the disposed of appeal submits that the order passed on 4th February, 2020 has two limbs. It is submitted that in terms of paragraph 27 of the judgment the flats/apartments were required to be completed in all respects by 30th June, 2020. This timeline has not been met. With reference to paragraph 28 of the judgment it is submitted that the development of the common area and the facilities to be provided were directed to be completed by 30th August, 2020. This timeline has also not been met.

From the perusal of this I.A. No. 1987 of 2020, I notice that the Appellant has not been reflected as non-applicant. The same be done by carrying out necessary corrections or filing a fresh memo of parties.

At this stage, Ms. Shweta Bharti, learned counsel points out that she has filed reply on behalf of the Flat Buyers Association /non-applicant.

Mr. Sumesh Dhawan, Advocate representing a party who does not figure as party-respondent in the original appeal and is a complete stranger in that context, is trying to oppose the extension sought by the Interim Resolution Professional, which in absence of it being a party or an intervener cannot be entertained. He intends to file an appropriate application for raising the objection.

In view of the sensitivity of the matter as it involves interest of the various stakeholders, predominantly flat buyers, I deem it appropriate to place the matter before a Bench of 2 or 3 Hon'ble Members.

In the meantime, Mr. Rajiv Bansal, learned Senior Counsel may file a short affidavit indicating the progress made in the intervening period of six months in regard to the completion of the project, the allottees who have paid 100% dues, defaulters, units completed and extent of development of common area and all other relevant features.

Let the matter be placed before the Bench comprising of Acting Chairperson, Justice Anant Bijay Singh, Hon'ble Member (Judicial) and Dr. Alok Srivastava, Hon'ble Member (Technical) on **16th September, 2020** at 2.30 P.M.

[Justice Bansi Lal Bhat]
Acting Chairperson

/ns/gc/