

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

Presents

For Appellant: Mr. Manoj Kumar & Mr. Vijay Kumar Pasricha, Advocates.

For Respondents: Mr. Gaurav Verma, Mr. Aditya Shukla & Mr. Mukesh Kumar Gupta (in person), Advocates.

Mr. Karan Rajpurohit, Mr. Abhijeet Sinha, for IRP.

Mr. Arpit Singh Arora, Intervenor for Col. Rajesh Sharma.

Mr. Vijay Nair, Mr. Manoranjan Sharma, Intervenor for Uppal Housing Pvt. Ltd.

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

Presents

For Appellant: Mr. Gautam Singh, Mr. Manoj Kumar & Mr. Vijay Kumar Pasricha, Advocates.

For Respondents: Mr. Gaurav Verma & Mr. Aditya Shukla, Advocates

Mr. Vijay Nair & Mr. Manoranjan Sharma, for

Intervenor.

**Mr. Karan Rajpurohit & Mr. Abhijeet Sinha, for IRP.
Mr. Ramashish Kumar, for R-8.**

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

....Respondent

Presents

For Appellant: Mr. Ankur Singhal, Advocate.

**For Respondent: Mr. Karan Rajpurohit & Mr. Abhijeet Sinha, for IRP.
Mr. Vijay Nair & Mr. Manoranjan Sharma, for
Intervenor.
Mr. Aditya Shukla, Advocate.**

With

**Contempt Case (AT) No. 24-25 of 2021
IN
Company Appeal (AT) (Ins.) No. 926 of 2019**

In the matter of:

Flat Buyers Association Winter Hills-77

....Appellant

Vs.

Manish Kumar Gupta, IRP & Ors.

....Respondents

Presents

**For Appellant: Mr. Manoj Kumar & Mr. Vijay Kumar Pasricha,
Advocates.**

**For Respondents: Mr. Karan Rajpurohit & Mr. Abhijeet Sinha, for IRP.
Mr. Vijay Nair & Mr. Manoranjan Sharma, for
Intervenor.**

ORDER
(Virtual Mode)

17.12.2021: In Company Appeal (AT) (Ins.) No. 926 of 2019 Learned Counsel for the Appellant and Respondents have jointly filed an I.A vide Diary No. 31272 on 16.11.2021 with a prayer for issuing necessary directions which are as follows:-

“a) Direct DTCP to complete the construction and development of external access road connecting the Project within a specified time frame;

b) Direct DHBVN to create necessary infrastructure including installation of 33KV switch station at its own cost to provide electricity in the Project within a specified time frame;

c) Issue appropriate directions to DHBVN to waive the requirement of submission of Bank Guarantee of Rs. 11.10 Cr./ Rs. /8.51 Cr. by the Corporate Debtor as demanded by DHBVN;

d) Direct the Water Supply Division of GDMA to create necessary infrastructure at its own cost to provide water to the Allottees/ Home Buyers of the Project within a specified time frame;

e) Passs such further order(s), direction(s) or relief(s) as deemed fit and proper by this Hon’ble Appellate Tribunal in the facts of the present case and in the interest of justice.”

From the perusal of the Order dated 18.11.2021 office was directed to issue Notice to the following concerned persons dealing with the Corporate Debtor namely,

A) Water Connection

Shri Pradeep Kumar
Chief Engineer
Water Supply Division
Gurugram Metropolitan Development Authority (GMDA)
Plot No. 3, Sector- 44, near Huda city Centre,
Gurugram- 122003, Haryana
Email: noreplay.gmda@gmail.com

B) External Access Road

Director General
Director of Town & country Planning, Haryana,
Plot No. 3, Sec- 18A, Madhya Marg,
Chandigarh-160018
Email: tcp_haryana7@gmail.com
Shri Sanjeev Mann
Senior Town Planner (STP), Gurugram
Huda Complex, Sector-14, Gurugram-122001
Email: stp4.gurugram.tcp@gmail.com

C) Electricity Connection

Shri Manoj Yadav
The Superintending Engineer (OP)
Circle-I, Dakshin Haryana Bijli Vitran Nigam,
Mehrauli Road, Opposite Petrol Pump,
Gurugram-122001, Haryana,
Email: sarapdrpdhbn@gmail.com; cepdc@dhbvn.org.in

In Company Appeal (AT) (Ins.) No. 926 of 2019 Office was directed to send Notice both through speed post and through e-mail and the cost borne by Registry on the above Respondents latest by 29th November, 2021. And the matter was directed to be listed for today i.e. on 17th December, 2021 at 2:00 P.M for the appearance of the concerned Respondents either in person or through their Learned Counsel.

From the perusal of the record it appears that the in terms of the Order dated 18.11.2021 instead of issuing Notice to the aforesaid person in Company Appeal (AT) (Insolvency) No. 926 of 2019 has wrongly issued Notice to the aforesaid person in Contempt Case No. 28 of 2020 which is also been listed along with the Company Appeal (AT) (Ins.) No. 926 of 2019.

In order to fix the responsibility the Registrar of this Hon'ble Appellate Tribunal is directed to held an enquiry and fix the responsibility due to whom this error has been committed and under what circumstances despite Orders were passed to issue Notice to a) Water Connection: Shri Pradeep Kumar Chief Engineer Water Supply Division, b) External Access Road: Director General Directorate of Town & Country Planning, Haryana & c) Electricity Connection: Shri Manoj Yadav, The Superintending Engineer (OP) in Company Appeal (AT) No. 926 of 2019 the Notice were issued to the Respondents in Contempt Case No. 28 of 2020 when no order was passed and submit a report to this Court within one week after Christmas Vacation. Report should be furnished in a seal cover.

Further, Office is now directed to issue Notice to the Respondents
a) *Water Connection: Shri Pradeep Kumar Chief Engineer Water Supply Division,*
b) *External Access Road: Director General Directorate of Town & Country Planning, Haryana &* c) *Electricity Connection: Shri Manoj Yadav, The Superintending Engineer (OP) in Company Appeal (AT) (Ins.) No. 926 of 2019* informing if they are appearing either in person or through Learned Counsel.

Further, cost should be borne by the Registry through both modes.

From the perusal of the Order dated 18.11.2021 it is further appearing that the Learned Counsel for the Promoter submitted that they were trying complete the remaining unfurnished units of the flats and he submitted that it will be finished by 31st December, 2021.

Today, when the case was called out Learned Counsel for the Promoter submits that over possession of 32 units remaining units out of which 10 10 have taken possession of those units. They are also directed to file an up to date Status Report in a seal cover as a hard copy within one week after Christmas Vacation. Office of the Registry is directed to accept the same.

Learned Counsel Mr. Arpit Singh Arora appears on behalf of the Intervenor in this matter makes submission that he has filed an I.A. NO. 2513 of 2021 for one of the Home Buyers for impleadment. He will be heard on the proper occasion.

Learned Counsel Mr. Manoj Kumar appears on behalf one of the allottee *Mr. Vijay Kumar Pasricha* submits that he has filed an I.A. No. 2187 of 2021 to sought clarification on the Original Order dated 04.02.2020 that order is

limited to the '*Winter Hills*' of the Corporate Debtor. Let this I.A. be taken on record and it will be heard on appropriate occasions of this Court.

List this matter on **28th January, 2022** at **2:00 P.M** under the heading '**For Orders**'.

In the meanwhile, Learned Counsel Mr. Abhijeet Sinha appears on behalf of the IRP submits that he may be permitted to file an Interlocutory Application bringing notice to this Bench of the Tribunal that presently the Electricity is supplied through generators which is likely to withdrawn very soon so, appropriate direction may be pass by this Court. Prayer allowed. He is granted one-week time to file hard copy of the Interlocutory Application after Christmas Vacation. Office of the Registry is directed to accept the same.

Let the copy of this Order be sent to Registrar of this Tribunal to held an enquiry and submit a report.

[Justice Anant Bijay Singh]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

[Ms. Shreesha Merla]
Member (Technical)

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