

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT- II)

Item No. 401
(IB)-261/ND/2023

IN THE MATTER OF:

Deccans Safety Glass Works Pvt. Ltd. ... Applicant/Petitioner

Versus

ATS Township Pvt. Ltd. ... Respondent

Under Section: 7 of IBC, 2016

Order delivered on 11.07.2024

CORAM:

**SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)**

**SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)**

PRESENT:

For the Applicant : Adv. Arjun Mukherjee, Adv. Arjun Narang

For the Respondent : Adv. Krish Kalra, Adv. Divyansh Rai

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

Ld. Counsels for the parties appearing virtually are unable to convey their stand. The Ld. Counsel for the Petitioner asked for a pass over. Today, we have a batch matter concerning homebuyers and it may not be possible to take up the matter in the second call. In the wake the hearing is deferred to 22.07.2024.

In the meantime, the Petitioner shall clarify that how there is contradiction in the averments made in para 4 of the petition in two different sets. The para iv at Page No. 8 of first part/set reads thus:-

*"(iv) Further, as security towards the Loan, the Corporate Debtor also created a lien on a residential unit which was located in a residential project being developed by the Corporate Debtor, namely, "Hamlet" situated at Plot No. GH-01, Sector-104, Noida, Uttar Pradesh. Through the allotment letter dated 26.04.2012 (hereinafter referred to as the "**Allotment Letter**"), the Corporate Debtor allotted, GF 02 in Tower 11, admeasuring 4020 sq. ft."*

As can be seen from the aforementioned, the details of the property mentioned in said para is GH-01, Sector-104 Noida, Uttar Pradesh while the same mentioned in para 4 at Page No. 8 of set volume is Plot No. SC-01/A-1, Sector-150, Noida, Uttar Pradesh. The para iv reads thus:-

*"(iv) Further, as security towards the Loan, the Corporate Debtor also created a lien on a residential unit which was located in a residential project being developed by the Corporate Debtor, namely, "Pristine" situated at Plot No. SC-01/A-1, Sector-150, Noida, Uttar Pradesh. Through the allotment letter dated 29.08.2016 (hereinafter referred to as the "**Allotment Letter**"), the Corporate Debtor allotted apartment bearing no. P2181 in Tower P2, admeasuring 1750 sq. ft."*

Not only the above, there are also other discrepancies in both the parts of the physical copies of the petition filed by the Petitioner.

List on 22.07.2024 for clarification.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)