

5. Ld. Counsel for the Applicants submits that the Corporate Debtor i.e. Spenta Enclave Private Limited admitted into CIRP vide order dated 23.03.2023 and the Applicants filed their claim Form CA to the erstwhile IRP, the claim was admitted by the erstwhile IRP to the tune of Rs. 1,32,10,348/-.
6. Ld. Counsel for the Resolution Professional/ Respondent No. 1 submits that there are 309 Home Buyers in CoC holding total 22.66% voting shares, out of which the Applicants constitute only 1 Home Buyers holding 0.11% voting share.
7. In pursuance to 12th CoC meeting held on 15.03.2024, the CoC approved the Resolution Plan with 91.58% voting share dated 14.03.2024 read with clarification/ addendum dated 22.03.2024. Subsequently, on 23.03.2024, the Applicants filed an Application with respect to refund of the admitted claim alongwith interest @ 10.7% p.a.
8. Heard both the Counsel and peruse the records. This Bench has taken a consider view that RP admitted their claim alongwith other Home Buyers and as per Waterfall Mechanism they are entitled for the amount specified for Home Buyers/ Financial Creditors. The Resolution Plan is approved in the 12th CoC meeting held on 15.03.2024, the CoC has approved the Plan with 91.58% voting.
9. We note that the instant Application seeking refund of the said admitted amount was filed on 23.03.2024 after approval of the Plan by the CoC on 15.03.2024. Hence, we are of the view that the prayer in the Application cannot be granted at this stage when the plan has already been approved by 91.58% vote by the CoC.
10. In view of aforesaid, the present Application is **dismissed**.

IA 965(MB)2024

1. Mr. Amir Arsiwala a/w Mr. Vidit Divya Kumat, Ld. Counsel for the Applicant present in IA-965/2024 through virtual mode.
2. The Registry as well as Applicant is directed to issue notice to the Respondent(s) intimating the next date of hearing and place on record tracking report alongwith the notice before the next date of hearing.

3. Post this IA on **29.07.2024** for further consideration.

Sd/-

ANU JAGMOHAN SINGH
Member (Technical)

/Dubey/

Sd/-

KISHORE VEMULAPALLI
Member (Judicial)