

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**CHANDIGARH (COURT – II)**  
***(Through Hybrid Mode)***

**Item No. 4**

**IA(I.B.C)/863(CH)2023**  
**IA(I.B.C)/870(CH)2023**  
**IA(I.B.C)/2523(CH)2023**  
**IA(I.B.C)/2454(CH)2023**  
**IA(I.B.C)/2595(CH)2023**  
**IA(I.B.C)/297(CH)2024**  
**In**

**C.P. (IB) No.131/Chd/Hry/2021**  
**(Admitted)**

**IN THE MATTER OF:**  
**Sushil Kumar & Ors.**

**...Petitioners-Financial Creditors**

**Versus**

**Suman Villas Pvt. Ltd.**

**...Respondent-Corporate Debtor**

**Under Section: 7, 30(6), 66(1), 60(5), IBC 2016**

**Order delivered on 23.04.2024**

**CORAM:**

**SHRI. SATYA RANJAN PRASAD,**  
**HON'BLE MEMBER (T)**

**SHRI. P.S.N. PRASAD,**  
**HON'BLE MEMBER (J)**

**PRESENT:**

**For the Applicant in** : Mr. Akash Yadav, Advocate  
**IA No. 2454/2023 &**  
**2523/2023**

**For the Resolution-** : Mr. Abhishek Anand, Advocate  
**Applicant**

**For the RP** : Mr. Karan Gandhi and Mr. Shivam Gautam  
Advocates

**For the Respondent** : Mr. Pulkit Goyal, Advocate  
**in IA No. 870/2023 &**  
**2595/2023**

April 23, 2024  
Mamta

## **ORDER**

### **IA(I.B.C)/2454(CH)2023**

Heard the submissions made by the learned counsel for the applicant. The learned counsel for the applicant is not exercised a due diligence in protection of his own interest. Further, the communication dated 07.07.2021 clearly shows that the booking of the flat is cancelled due to non-payment of the dues. Having regard to the above facts, Ld. counsel for the RP has advised the applicant that applicant cannot be considered as home buyer but can be considered as other creditors, as the booking of the flat is cancelled for the sold reason non-payment of dues. Admittedly, the counsel for the applicant has changed his address and did not communicate his updated address, so he has fail to receive the communication on time to take necessary rectification steps. In view of the above, we do not find any merit in the present application. Thus, **IA(I.B.C)/2454(CH)2023 stands dismissed.**

### **IA(I.B.C)/2523(CH)2023**

Heard the submissions made by the learned counsel for the applicant. The learned counsel for the applicant is not exercised a due diligence in protection of his own interest. Further, the communication dated 07.07.2021 clearly shows that the booking of the flat is cancelled due to non-payment of the dues. Having regard to the above facts, Ld. counsel for the RP has advised the applicant that applicant cannot be considered as home buyer but can be considered as other creditors, as the booking of the flat is cancelled for the sold reason non-payment of dues. Admittedly, the counsel for the applicant has changed his address and did not communicate his updated address, so he has fail to receive the communication on time to take necessary

rectification steps. In view of the above, we do not find any merit in the present application. Thus, **IA(I.B.C)/2523(CH)2023 stands dismissed.**

**IA(I.B.C)/297(CH)2024**

This is an application has been filed under Section 60(5) of IB Code, 2016 read with Rule 11 of NCLT Rules, 2016 for seeking appropriate directions along with an affidavit. From this application, it transpires that execution proceedings have been initiated against the corporate debtor who is now represented by Resolution Professional before the Hon'ble State Consumer Disputes Redressal Commission, Panchkula, Haryana in Execution Application No. 29 of 2023 in Compliant No. 290 of 2018, Execution Application No. 30 of 2023 in Complaint No. 293 of 2018 and Execution Application No. 31 of 2023 in Complaint No. 294 of 2018. It transpires from the contents of the application that the complainants before the State Consumer Forums claim has already been admitted by RP and RP has also recorded them as home buyers. Definite, flat numbers have also been given in the proposed resolution plan as per the bookings made. Therefore, RP is directed to bring these facts to the notice of State Consumer Disputes Redressal Commission, Panchkula, Haryana and the State Consumer Disputes Redressal Commission may not proceed with the execution proceedings as the complainants before the State Consumer Disputes Redressal Commission interest is fully protected. RP may produce a copy of this order along with his reply before the State Consumer Disputes Redressal Commission and State Consumer Disputes Redressal Commission may consider Section 238 of IB Code which provides for overriding affect and in fact this Adjudicating Authority is of the considered view that the interest of

the complainants in the State Consumer Protection is already met by RP, therefore, any proceedings either before this Adjudicating Authority or before the State Consumer Disputes Redressal Commission may not be in the best interest of justice and fair play. Hence, the present application bearing **IA(I.B.C)/297(CH)2024 stands disposed** of in all respects without any notice to the respondents. The respondents may be served a copy of this order by the Resolution Professional as he has already served a copy of the present application.

**IA(I.B.C)/870(CH)2023 & IA(I.B.C)/2595(CH)2023**

The learned counsel for the respondents have prayed for grant of two days' time to file the hard copy of the reply. Time prayed for is granted. Let this matter be posted on 27.05.2023.

**IA(I.B.C)/863(CH)2023**

This is an application on behalf on the Resolution Professional under Section 30(6) and Section 31 of the IB Code, 2016 read with Regulation 39 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for approval of Resolution Plan along with affidavit. Heard the submissions made by the learned counsel for the Resolution Professional and having considered the supporting documents filed in support of the application. ***Order in this matter stands reserved.***

Sd/-

**(SATYA RANJAN PRASAD)  
HON'BLE MEMBER (T)**

Sd/-

**(DR. P.S.N. PRASAD)  
HON'BLE MEMBER (J)**