

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

Item No. 101
(IB)-1248(PB)/2018

IA-3255/2020, IA-3067/2022, IA-3588/2023, IA-506/2024,
IA-3325/2020, IA-1159/2024, Ivn. P-13/2024, IA-3330/2020,
IA-3025/2022, IA-2577/2020, IA-2479/2020, IA-3092/2020,
IA-3600/2020, IA-3945/2020, IA-4549/2020, IA-2043/2021,
IA-428/2021, IA-3699/2021, IA-2217/2022, CA-1245/2020,
IA-3442/2023, IA-3596/2023, IA-3926/2023, IA-4179/2023,
IA-4491/2023, IA-4498/2023. IA-6445/2023, IA-3870/2020,
IA-6501/2023, IA-1096/2024, IA-1222/2024, IA-2536/2020,
IA-2552/2020, IA-2554/2020, IA-2555/2020, IA-2557/2020,
IA-2566/2020, IA-2628/2020, IA-2629/2020, IA-2631/2020,
IA-2696/2020, IA-2807/2020, IA-2812/2020, IA-3295/2020,
IA-3300/2020, IA-3323/2020, IA-3312/2020, IA-3333/2020,
IA-3834/2020, IA-3869/2020, IA-4878/2020, IA-2537/2020,
IA-2550/2020, IA-2551/2020, IA-2556/2020, IA-2558/2020,
IA-2559/2020, IA-2563/2020, IA-2564/2020, IA-2576/2020,
IA-2578/2020, IA-2608/2020, IA-2624/2020, IA-2625/2020,
IA-2627/2020, IA-2697/2020, IA-3254/2020, IA-2599/2020,
IA-3327/2020, IA-3332/2020, IA-3331/2020, IA-3324/2020,
IA-2695/2020, IA-3152/2020, IA-3214/2020, IA-3215/2020,
IA-3227/2020, IA-3263/2020, IA-3265/2020, IA-3270/2020,
IA-3276/2020, IA-3342/2020, IA-3302/2020, IA-3344/2020,
IA-3326/2020, IA-3322/2020, IA-3328/2020, IA-3335/2020,
IA-3334/2020, IA-3329/2020, IA-3836/2020, IA-3867/2020,
IA-3868/2020, IA-2538/2020, IA-2694/2020, IA-2833/2020,
IA-2839/2020, IA-2825/2020, IA-3249/2020, IA-3252/2020,
IA-3264/2020, IA-3343/2020, IA-3338/2020, IA-3871/2020,
IA-3872/2020, IA-3873/2020, IA-3357/2020, IA-3358/2020,
IA-3243/2023, IA-5474/2023, IA-2754/2024, IA-3017/2024,
IA-3018/2024, New IA-3335/2024

IN THE MATTER OF:

Shinoj Koshy

... **Applicant/Petitioner**

Versus

M/s. Granite Gate Properties Pvt Ltd

... **Respondent**

Under Section: 7 of IBC, 2016 (CIRP)

Order delivered on 04.07.2024

CORAM:

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

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

PRESENT:

For the Applicant

: Adv. Deepak Khosla, Adv. Ridhima Verma, Adv. Shashwat Tripathi, Adv. Madhu Ayachit, Adv. Apavajita Singh in IA-3588/2023, IA-4179/2023, IA-3596/2023, IA-1096/2024, IA-1158/2024, IA-1159/2024, IA-3017/2024, IA-3018/2024.
Mr Manoj Kumar Garg, Sachin Kaushik, Advocates in IA-3442/2023.
Adv. Vinay Shukla, Adv, Sukhpreet Singh & Mahima Soni in I.A. COMP.APPL (IBC) - 1521/2020.
Adv Gaurav Gupta, Adv Sushrut Meena in IA-3092/2020.
Adv. Piyush Singh, Adv. Vivek Kumar, Adv. Jayant Upadhyay & Adv. Raveena Panicker in IA-2479/2020 & IA-3699/2021.
Adv. Gautam Singhal, Adv. Rajat Choudhary in IA-3600/2020.
Adv. Utkarsh Joshi in IA-6445/2023, IA-4491/2024.

For the Respondent

: Adv Achint Singh Gyani, Adv Deepak Gupta in IA-3868/2020.
Mr. Prerak Khurana, Advocate for Respondent No. 2 in IA-2629/2020.
Mr. Lokesh Bhola, Advocate and Mr. Abhishek singh Chauhan, Advocate in IA No.3302/2020 for R1 and in IA No. 2697/2020 for R2 & R3.
Adv Rajinder wali and khalid Abdullah Adv in IA no 3323/2020 for Respondent no 2 to 5.
Adv. Muskan Malhotra, Adv. Ashish K. Singh in I.A. 6501/2023 for R2/ Devender Kumar Chauhan and in I.A. 2625/2020 for R1/Devender Kumar Chauhan
Adv. Abhishek Anand in IA-2576/2020, IA-2608/2020, IA-2697/2020, IA-3322/2020 IA-3872/2020.
Adv. Ravi Kumar Aggarwal in IA-2578/2020, IA-2555/2020.
Adv. Kiran Singh, Adv. Ajay Sharma for R-1 in IA-2695/2020.
Adv. Tanweer Alam and Mahjabeen Tanweer for R1 in IA 2552/2020, IA 2631/2020, IA 2694/2020, IA 2825/2020, IA 3871/2020 and for R2 in IA 3276/2020.

For the Shomit Finance

: Adv. Pankaj Aggarwal, Adv. Shashwat Srivastava in IA-3596/2023, IA-3926/2023, IA-3330/2020, IA-3325/2020, IA-3025/2022.

For the RP : Adv. Sumant Batra, Adv. Nidhi Yadav, Adv. Sanyam Saxena, Adv. Nubair Alvi, Adv. Devendra Singh
For the SRA : Sr. Adv. Sunil Fernandes, Adv. Rishabh Nangia, Adv. Arvind Nayyar, Adv. Harimohan
For the Noida Authority : Adv. Rachit Mittal, Adv. Parish Mishra, Adv. Adarsh Srivastava

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-3255/2020, IA-3067/2022, IA-3588/2023, IA-506/2024, IA-3325/2020, IA-1159/2024, Inv. P-13/2024, IA-3330/2020, IA-3025/2022: Arguments heard. **Order reserved.**

IA-3018/2024: Arguments heard. **Order reserved.**

It would be open to the Ld. Counsels for the parties to file written synopsis each.

IA-3335/2024, IA-2538/2020: The prayer made in the application reads thus:-

- a) *“Allow this application and disposed of the I.A. No. 2538/2020 as having been rendered infructuous as against the Applicant herein in view of the submissions made in this application, and in view thereof confirm the allotment of the apartment in favor of the applicant;”*

Today, Mr. Nipun Gautam, Ld. Counsel appearing for the Mr. Satish Verma the Applicant in IA-3335/2024 handed over the cheque No. 10129953 for an amount of Rs. 61,41,926.00 to the Ld. Counsel appearing for the RP. Mr. Sumant Batra, Ld. Counsel appearing for the RP conceded that the amount of cheque will satisfy the cause espoused in IA-2538/2020 and sought to withdraw the IA. In the wake, **the IA-3335/2024 is allowed and IA-2538/2020 is disposed of as withdrawn.**

It goes without saying that if the cheque is not honored. Ld. Counsel for the RP would be entitled to mention for IA-2538/2020.

At this stage confronted with the plea raised by Ld. Counsel Mr. Deepak Khosla appearing for one of the homebuyers who has filed certain applications that the stand of RP qua the captioned applications further justify removal,

Mr. Sumant Batra, submitted that in his submission the cheque only satisfy the cause espoused in IA-2538/2020 and handing over the cheque would not mean that the RP has given up all the rights of the CD.

IA-2577/2020, IA-2479/2020, IA-3092/2020, IA-3600/2020, IA-3945/2020, IA-4549/2020, IA-2043/2021, IA-428/2021, IA-3699/2021, IA-2217/2022, CA-1245/2020, IA-3442/2023, IA-3596/2023, IA-3926/2023, IA-4179/2023, IA-4491/2023, IA-4498/2023, IA-6445/2023, IA-3870/2020, IA-6501/2023, IA-1096/2024, IA-1222/2024, IA-2536/2020, IA-2552/2020, IA-2554/2020, IA-2555/2020, IA-2557/2020, IA-2566/2020, IA-2628/2020, IA-2629/2020, IA-2631/2020, IA-2696/2020, IA-2807/2020, IA-2812/2020, IA-3295/2020, IA-3300/2020, IA-3323/2020, IA-3312/2020, IA-3333/2020, IA-3834/2020, IA-3869/2020, IA-4878/2020, IA-2537/2020, IA-2550/2020, IA-2551/2020, IA-2556/2020, IA-2558/2020, IA-2559/2020, IA-2563/2020, IA-2564/2020, IA-2576/2020, IA-2578/2020, IA-2608/2020, IA-2624/2020, IA-2625/2020, IA-2627/2020, IA-2697/2020, IA-3254/2020, IA-2599/2020, IA-3327/2020, IA-3332/2020, IA-3331/2020, IA-3324/2020, IA-2695/2020, IA-3152/2020, IA-3214/2020, IA-3215/2020, IA-3227/2020, IA-3263/2020, IA-3265/2020, IA-3270/2020, IA-3276/2020, IA-3342/2020, IA-3302/2020, IA-3344/2020, IA-3326/2020, IA-3322/2020, IA-3328/2020, IA-3335/2020, IA-3334/2020, IA-3329/2020, IA-3836/2020, IA-3867/2020, IA-3868/2020, IA-2694/2020, IA-2833/2020, IA-2839/2020, IA-2825/2020, IA-3249/2020, IA-3252/2020, IA-3264/2020, IA-3343/2020, IA-3338/2020, IA-3871/2020, IA-3872/2020, IA-3873/2020, IA-3357/2020, IA-3358/2020, IA-3243/2023, IA-5474/2023, IA-2754/2024, IA-3017/2024:- List all applications on 05.07.2024.

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

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