

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Special Bench)

Item No.-501

(IB)-771(PB)/2018

IA/3280/2022, IA/4512/2022, IA/2811/2022, IA/4837/2022

IN THE MATTER OF:

Capri Global Capital Ltd.

....Applicant

Vs.

Value Infratech India Pvt. Ltd.

....Respondent

SECTION

U/s 7 of (IBC) CIRP

Order delivered on 13.03.2023

CORAM:

**SHRI ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)**

**DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant :

For the Respondent : Ms. Vasudha Sen, Mr. Ayush Mangal Gupta, Advs. for
R 4 in IA/4837/2022

For the Home Buyers : Mr. Mayank Mittal

For the IRP : Mr. Gaurav Katiyar, IRP with Mr. Rishabh Jain, Adv.

ORDER

IA/3280/2022:-

In the wake of filing of IA/4512/2022 by him, the Applicant seeks leave to withdraw the IA. Leave as sought is granted and the IA/3280/2022 is **dismissed as withdrawn.**

IA/4512/2022:-

For the reasons stated therein, the IA-4512/2022 is **allowed** and Mr. Kishore Saxena is appointed as Authorised Representative having IBBI

Registration No. IBBI/1PA-001/IP-P01766/2019-2020/12708 of the Home Buyers (FCs as a class) i.e., Real Estate Allottees of Corporate Debtor.

IA. No. 2811/2022:

The prayer made in the IA reads thus:

“a) to pass an appropriate order to direct the Respondent to immediately handover all records, assets (movable or immovable) of the Corporate Debtor to the applicant;

b) pass such other order or orders as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the present case.”

In view of the averments made in the IA, and the submission put forth on behalf of the RP, the IA is **allowed**. The Respondent is directed to handover all documents/information/records qua CIRP/Liquidation process of CD to the Applicant within one week.

IA. No. 4837/2022:

The prayer made in the IA reads thus:

“a) to direct the Respondents to provide the information requisite by the applicant vide email dated 30.08.2022;

b) to direct the respondents to handover books of account of corporate debtor;

c) to direct the respondents to give the control and custody of all immovable property of the corporate debtor;

d) to direct the respondents to give the title deeds of all immovable property of the corporate debtor;

e) to direct the respondents to give the control and custody of the affairs of the corporate debtor;

- f) to direct the respondents to provide the updated list of debtors along with proof of debt;
- g) to direct the respondents to give the control and custody of all moveable assets including inventory of the corporate debtor;
- h) to direct the respondent to cooperate and provide all assistance with the resolution professional;
- i) to direct the respondents to attend the office of the resolution professional as and when required by resolution professional;
- j) in alternative to prayer (a) to (i) allow the Interim Resolution Professional/Resolution Professional to prepare, circulate and update the Information Memorandum on the basis of limited information and limited assets available with the Interim Resolution Professional/Resolution Professional from the Creditors of the Corporate Debtor and
- k) further allow the Resolution Professional to complete the Corporate Insolvency Resolution Process on the basis of limited information and assets of the Corporate Debtor available with him;
- l) pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

For the reasons stated therein, and the submissions put forth by the Applicant, the relief espoused in clause (a) to (i) of the prayer, contained in IA is granted. It goes without saying that the Applicant would continue with the CIRP as per the extant law, rules, and procedure. The present IA/4837/2022 is **allowed.**

S/d-
(DR. BINOD KUMAR SINHA)
MEMBER (T)

S/d-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)