

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 18
(IB)-652(PB)/2019

IN THE MATTER OF:

M/s. Jones Lang Lasalle Building Operations Pvt. Petitioner/Applicant
Ltd.

Vs.

M/s. Celebration City Projects Pvt Ltd. Respondent

Order u/S. 9 of the Insolvency & Bankruptcy Code, 2016 (CIRP)

Order delivered on 29.04.2024

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Adv. Nikita Maheshwari, Adv. Juvas Rawal in IA-5287/2022
Adv. Ishaan Mukherjee, Adv. Shankari Mishra in IA-6469/2023
Adv. Ridhima Goyal in IA-3196/2022 and IA-3739/2022
For the Objector : Adv. Nikita Maheshwari, Adv. Juvas Rawal in IA-5294/2023
For the RP : Adv. Gaurav Mitra, Adv. Pankaj Agarwal, Adv. Shashwat Srivastava
For Sakshi Fincap Pvt. Ltd. : Adv. Akshay Sharma

ORDER

IA-3196/2022, IA-3739/2022, IA-5800/2022, IA-5287/2022, IA-1454/2023 & IA-5924/2023

Mr. Gaurav Mitra, Ld. Counsel for the RP appears physically.

Mr. Nikita Maheshwari, Ld. Counsel for the Applicant in IA-5287/2022 and for the Objector in IA-5294/2023 appears physically.

Ms. Ridhima Goyal, Ld. Counsel for the Applicant in IA-3196/2022 and 3739/2022 also appears physically.

At request and by consent of all parties, list the matter **on 02.07.2024.**

IA-6469/2023

1. Prayer in this application as extracted below:

- 1) *Pass an Order directing with Resolution Professional/Respondent to continue with the CIRP of the Corporate Debtor.*
- 2) *Pass an Order directing the RP/Respondent to complete the CIRP in the time bound manner.*

2. On 04.09.2023, we passed the following order:

IA-4205/2022 and IA-2240/2022

The relief sought for in the applications is as follows:

“IA-4205/2022

- A. *Stay the operation of the Committee of Creditors of the Respondent No. 1*
- B. *Set aside all steps and actions taken by the Resolution Professional till date so that the assets of the Respondent No.1 can be protected*
- C. *Stay any further activity in pursuance of the Corporate Insolvency Resolution Process of the Corporate Debtor*
- D. *Remove the Respondents No.3 and 5 from the Committee of Creditors of the Respondent No.1 on account the same being a related parties as per the import of Section 5(24) of the Code.*
- E. *Relieve the Resolution Professional of his duties and appoint a new Resolution Professional*
- F. *Reconstitute the Committee of Creditors of the Respondent No.1 after the removal of the Respondents No.3 and 5 from the Committee of Creditors*
- G. *Stay the Corporate Insolvency Resolution Process of the Respondent No.1 till the reconstitution of the Committee of Creditors and till the appointment of a new and unbiased Resolution Professional*
- H. *Direct for an investigation to be conducted into affairs of the Respondents No.1,3,4 and 5 by Serious Fraud Investigation Office.*
- I. *Pass any other orders that this Hon’ble Tribunal may deem fit in the interest of justice.*

IA-2240/2022

- a. *Adjudicate upon the issue of the Related Parties of the Corporate Debtor and declare Sakshi Fincap Private Limited, Boulder Builders Private Limited, Mauve Star Developers Private Limited, Rakesh Jain, Renu Jain, Tanya Jain, and any other Company associated with or related to the aforementioned six (6) entities, to be the Related Parties of the Corporate Debtor and thus exclude them from the Committee of Creditors of the Corporate Debtor, in terms of Section 21(2) of the Insolvency and*

Bankruptcy Code, 2016;

b. Declare that the Corporate Debtor by way of executing illegal sale deeds and mortgage deeds has entered into fraudulent and undervalued transactions with a view to defrauding its creditors and thereby, restore the position as if such transactions were never entered into;

c. Direct the Respondent to reject the claims filed by the Related Parties of the Corporate Debtor, namely, Sakshi Fincap Private Limited, Boulder Builders Private Limited and Mauve Star Developers Private Limited and exclude them from the ambit of financial debt;

d. Stay the Corporate Insolvency Resolution Process of the Corporate Debtor till the adjudication of this present Application; e. In the alternative, pass appropriate directions against the Respondent for contravention of provisions of the I & B Code and the regulations made thereunder;”

The plea espoused in the caption applications is that in terms of the provision of Section 5(24)(f)(j)(h)(l) of the Code 2016, Respondent No. 3 and 4 cannot be the members of the CoC, being related parties.

Ld. Counsel for the RP fairly submitted that he would examine the averments and allegations made in the application and would determine whether any of the members of CoC is disqualified to be so, being hit by the aforementioned provisions of IBC and would reconstitute the CoC if the need arises.

We are sanguine that the RP would complete the exercise within a week.

In terms of the stand taken by the RP, the applications stand disposed of.

- 3.** Ms. Shankari, Ld. Counsel for the Applicant appears physically as well as Mr. Gaurav Mitra, Ld. Counsel for the RP appears physically.
- 4.** In view of the order dated 04.09.2023, the prayer is allowed. The CoC can proceed further in accordance with law.
- 5.** **IA-6469/2023** stands **allowed** and is **disposed of** accordingly.

**Sd/-
(RAMALINGAM SUDHAKAR)
PRESIDENT**

**Sd/-
(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)**