

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-502**

IB-755/PB/2020

New IA/181/2023, New IA/182/2023, IA/6091/2022, IA/6101/2022,  
IA/4204/2022, IA/1325/2022

**IN THE MATTER OF:**

Tarun Ahuja & Ors.

**....Applicant**

**Vs.**

Puri Construction Pvt. Ltd.

**.....Respondent**

**SECTION**

U/s 7 IBC

**Order delivered on 16.01.2023**

**CORAM:**

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

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

**PRESENT:**

For the Applicant : Mr. Sharan Mehta

Mr. Anand Kamal in New IA/181/2023 & New  
IA/182/2023

For the Respondent : Mr. Krishnan Venugopal, Sr. Adv. with Mr. Pravin  
Bahadur, Ms. Kanika Mr. Saurabh Kumar, Ms. Pallavi  
Srivastava, Mr. Krishnan Aggarwal, Advs.

**ORDER**

**New IA/181/2023:-**

This is an application filed under Rule 11 of NCLT Rules, 2016 for withdrawal of the name of the Applicant/Petitioner from the array of Financial Creditors. Proxy Counsel for the Financial Creditor is present. The Applicants counsel has submitted that along with the other allottees they have filed present petition before this Adjudicating Authority under Section 7 of IBC, 2016. The main issue of the Applicant with the Respondent Company was differential pricing of apartments offered for sale in 2013 and 2016 and seeking parity in the pricing.

The Respondents has completed the development of the project in the year 2019 and after obtaining the occupation certificate on 02.04.2019 has

offered possession with respect to apartments allottees including the Applicant. The Applicant in this application has stated that now the Applicant has settled the issue with the Respondent Company and has taken possession of his apartment in the project.

We have also considered the prayers wherein the Applicant has prayed for allowing the application and deletion of his name from the array of Financial Creditors in IB-755/PB/2020.

The present application is **allowed** without any cost. The Applicant's name stands deleted from the array of Financial Creditors. Ld. Counsel for the Financial Creditor may take necessary steps to file amended memo of parties.

**New IA/182/2023:-**

This is an application filed under Rule 11 of NCLT Rules, 2016 for withdrawal of the name of the Applicant/Petitioner from the array of Financial Creditors. Proxy Counsel for the Financial Creditor is present. The Applicants counsel has submitted that along with the other allottees they have filed present petition before this Adjudicating Authority under Section 7 of IBC, 2016. The main issue of the Applicant with the Respondent Company was differential pricing of apartments offered for sale in 2013 and 2016 and seeking parity in the pricing.

The Respondents has completed the development of the project in the year 2019 and after obtaining the occupation certificate on 02.04.2019 has offered possession with respect to apartments allottees including the Applicant. The Applicant in this application has stated that now the Applicant has settled the issue with the Respondent Company and has taken possession of his apartment in the project.

We have also considered the prayers wherein the Applicant has prayed for allowing the application and deletion of his name from the array of Financial Creditors in IB-755/PB/2020.

The present application is **allowed** without any cost. The Applicant's name stands deleted from the array of Financial Creditors. Ld. Counsel for the Financial Creditor may take necessary steps to file amended memo of parties.

**IA/6091/2022:-**

This is an application under Section 60(5) read with Section 65 of IBC, 2016 by the Corporate Debtor. Let notice be served on the non Applicants i.e.

Financial Creditor. Proxy Counsel for the Financial Creditor is present. Proxy Counsel is directed to verify with the main counsel whether copy of the application has been received by them or not. In the event of non receipt of copy of the application, they may solicit for providing a copy by the Ld. Counsel for the Corporate Debtor. Thereafter reply may be filed within a week days. List the matter on **10.02.2023**.

**IA/6101/2022:-**

This is an application under Section 60(5) for placing on record additional affidavit. Let a copy of this application be served on Ld. Counsel for the Financial Creditors as the proxy counsel has submitted that on instructions he is making the submissions that they have not received the same. List the matter on **10.02.2023**.

**IA/4204/2022 & IA/1325/2022:-**

Pleadings are completed. List the matter on **10.02.2023**.

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

**S/d-**  
**(P.S.N PRASAD)**  
**MEMBER (J)**