

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.203
IA-1046/2022, 1146/22 in
IB-1348/(ND)/2019

IN THE MATTER OF:

Nisus Finance & Investment Managers LLP & Anr.. **FINANCIAL CREDITOR**
Vs.

Earthcon Universal Infratech (P) Ltd

..RESPONDENT

SECTION

U/s 7

Order delivered on 14.03.2022

CORAM:

SHRI BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL)

SHRI NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Rishabh Jain, Counsel for RP

For the Respondent :

ORDER

New IA-1046/2022 :

This is an Application filed under Section 60 (5) of the I&B Code, 2016 with Regulation 14 (2) of the IBBI (CIRP) Regulations, 2016.

Ld. Counsel for the Resolution Professional is present. The Ld. Counsel submits that through the present Application, directions have been sought against various respondents including the private parties who have purchased some of the Flats from the respondent No.1 which have been declared to be their property vide this Tribunal order dated 23.7.2021. He further submits that the said individuals need to be considered as Creditor of the Respondent No.1 in the matter. He, therefore, seeks deletion of the said individual from the list of Creditors of the Company under CIRP in the main matter.

The Ld. Counsel has taken us through the present Application. In all, there are 30 respondents including 26 individuals.



Coutel.

After going through the Application, we order issuance of notice by the Counsel for Resolution Professional by all means in another two weeks. The Ld. Counsel is also directed to send notice through e-Mail as well as Speed Post and to file affidavit of service along with proof of service in another one week.

List the matter on 26.4.2022.


New IA-1146/2022 :

Ld. Counsel for the Resolution Professional is present. Ld. Counsel for the Applicant in the matter is also present. The Ld. Counsel for the sole Resolution Professional accepts notice and seeks two weeks' time to file reply. The time prayed for is granted and Ld. Counsel for the RP is directed to supply a copy of reply to Counsel for the Applicant for filing rejoinder, if any, in another one week.

In the meantime, the respondents as well as other residents of the project are directed to make payment of all pending dues towards the electricity charges as well as the maintenance charges as already decided by the COC. Further, RP/COC is directed not to take any action with regard to disconnection of electricity of the residents' Flats.

List the matter on 26..4.2022.


(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)


(NARENDER KUMAR BHOLA)
MEMBER (TECHNICAL)

Surjit

14.3.2022

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