

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

Item No.304

New IA(Com.A)- 37/2023 IA-6231/2022 IA-5916/2022 IA-5917/2022
In
IB-1348(ND)/2019

IN THE MATTER OF:

M/s. Nisus Finance & Investment Managers LLP & Anr.

.... **APPLICANT/PETITIONER**

Vs.

M/s. Earthcon Universal Infratech Pvt. Ltd.

.... **RESPONDENT**

SECTION

U/s 7 IBC code 2016

Order delivered on 04.01.2023

CORAM:

SHRI ATUL CHATURVEDI
MEMBER (TECHNICAL)

SHRI ASHOK KUMAR BHARADWAJ
MEMBER (JUDICIAL)

PRESENT:

For the Applicant

: Adv. Kushagra Pandey in IA 4016/22, Adv. Nidhi Mohan Parashar, Adv. Umang Kumar Singh in I.A. No. 1674/2022, Adv. Pranav- IA-5916/2022 & IA-5917/2022, Adv. Sanjay Khanna Adv for AR of Homebuyers as applicant in IA 6231/2022, Adv. Deepti Grover Khanna in New IA(Com.A)- 37/2023 (on behalf of satish Kumar Gaadh in . Nisus Finance & Investment Managers LLP & Anr., Adv. Yash Agrawal Sanskriti Allottee Welfare Association(Homebuyers) in IA No. 1146 of 2022, Adv. Chandra Shekhar Yadav in IA-2791/21

For the Noida Authority : UN Singh Adv for GNoida Authority

For the Home Buyers

: Sanjay Khanna, Pragya Bhushan, Shwetank, Karandeep Singh, Tarandeep Singh For AR of Home buyers in class (Home buyers)

For the RP

: Adv. Rishabh Jain for RP

For the Ex-directors

: Alankrit Bhatnagar proxy counsel for Ex-directors

For the Respondent

: Adv. Yash Agrawal for Respondents 7,10,13,14,15,16,19,20,21,22,24,26,27,28,30 in IA No. 1046 of 2022, Adv. Alisha K. Shail and Adv. Kripa Shankar Prasad, Counsels for R-4 in I.A. 1046/2019

ORDER

IB-1348(ND)/2019:-

Our attention is drawn to the order dated 01.12.2022 in IB-1348/2019 to espouse that certain applications which are directed to be listed today are not reflected in the today's cause list.

Registry is directed to ensure that the same be listed tomorrow.

IA-5916/2022 IA-5917/2022:-

List on **25.01.2023**.

New IA(Com.A)- 37/2023:-

Copy of I.A. is not made available to Ld. Counsel for Respondent.

Ld. Counsel for the Applicant undertake to make a copy of the IA available to the Ld. Counsel for the RP during the course of the day.

List on **25.01.2023**.

IA-6231/2022:-

The prayer in the present application is for impleadment of Mr. Deepak Gupta (Authorized Representative of Home Buyers) as Respondent in IA-3051/2022 filed by the Resolution Professional under Section 30(6) read with Section 31 of IBC, 2016 for approval of Resolution Plan.

Learned Counsel for the Resolution Professional has no objection to the prayer made in the said IA.

In the view of the above, the present application is **allowed** and the Applicant in the IA-6231/2022 i.e., Authorized Representative of Home Buyers namely Deepak Gupta is allowed to be impleaded as Respondent in the IA-3051/2022. Learned Counsel for the Resolution Professional is directed to file amended memo of parties within three days. It is made clear that the

impleadment of Mr. Deepak Gupta in IA would not be construed as acknowledgement of the right of Home Buyers.

IA stands **disposed of**.

Sd/-

(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-

(ASHOK KUMAR BHARADWAJ)
MEMBER (JUDICIAL)

New IA(Com.A)- 37/2023 IA-6231/2022 IA-5916/2022 IA-5917/2022
In
IB-1348(ND)/2019

Mamta 04.01.2023