

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

**Item No. 113**

New IA-4774/2023 IA-1934/2021 IA-5441/2021 IA-3884/2021 IA-1016/2021  
IA-1020/2021 IA-1025/2021 IA-1032/2021 IA-1054/2021 IA-1056/2021  
IA-1060/2021 IA-4077/2021 IA-1064/2021 IA-1508/2021 IA-4117/2021  
IA-3895/2021 IA-3899/2021 IA-3057/2022

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 of IBC, 2016**

**Order delivered on 15.09.2023**

**CORAM:**

**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)**

**SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Diwaker Lohia, Advocate in IA-5441/2021.  
Mr. Sarwar Raza, Ms Soumya Kumar, Md. Waseem Akram  
Advs in IA-4774/2023.

For the GNOIDA : Mr. U.N. Singh, Advocate.

For the Respondent: Mr. Diwaker Lohia, Advocate for R-1 in IA-1508/2021.  
Mr. Sandeep Garg, Mr. Shobhit Gupta, Advs  
in IA-1934 & 1064.  
Mr. Shobhan, Advocate in IA-4077, 4117, 3057,  
3062, 3064, 3073, 3074, 3324 & 1508.

For the RP : Mr. Rishabh Jain, Advocate.

**ORDER**

**New IA-4774/2023:-**

This application has been filed by 11 Home Buyers seeking rejection of the Resolution Plan submitted by the Respondent No. 5.

We have heard the submissions made by the Learned Counsel appearing for the Applicant as well as Learned Counsel appearing for the Resolution Professional. It may be noted that the CoC has approved the Resolution Plan by 70% votes in its 26<sup>th</sup> meeting dated 19.08.2023 wherein the Applicants who are the Home Buyers were represented by the Authorized

Representative. Since, the Resolution Plan has already been approved by the CoC, the present application cannot be entertained at this stage.

IA **disposed of.**

**IA-3884/2021:-**

Heard the submissions made by the Learned Counsel appearing for the Applicant.

Issue fresh notice to the Respondents.

The Applicant is directed to serve notice along with a copy of this application to the Respondents namely by all modes and file proof of service along with an affidavit within one week. The Respondents shall file its reply affidavit within two weeks after receipt of notice.

List the matter on **26.10.2023.**

**IA-1934/2021 IA-5441/2021 IA-1016/2021 IA-1020/2021 IA-1025/2021 IA-1032/2021 IA-1054/2021 IA-1056/2021 IA-1060/2021:-**

List on **26.10.2023.**

**IA-4077/2021:-**

Learned Counsel appearing for the Respondent seeks time to file reply affidavit. Two weeks time granted.

List the matter on **26.10.2023.**

**IA-1064/2021:-**

List on **26.10.2023.**

**IA-1508/2021:-**

Learned Counsel appearing for the Respondent No. 2 seeks time to file reply affidavit. Two weeks time granted. The Respondent No. 1 is directed to take steps to bring on record the reply affidavit.

List the matter on **26.10.2023.**

**IA-4117/2021:-**

Learned Counsel appearing for the Respondent seeks time to file reply affidavit. Two weeks time granted.

List the matter on **27.10.2023.**

**IA-3895/2021 IA-3899/2021:-**

Heard the submissions made by the Learned Counsel appearing for the Applicant.

Issue fresh notice to the Respondents.

The Applicant is directed to serve notice along with a copy of this application to the Respondents by all modes and file proof of service along with an affidavit within one week. The Respondents shall file its reply affidavit within two weeks after receipt of notice.

List the matter on **27.10.2023**.

**IA-3057/2022 IA-3062/2022 IA-3064/2022 IA-3073/2022 IA-3074/2022 IA-3324/2022:-**

Learned Counsel appearing for the Respondent seeks time to file reply affidavit. Two weeks time granted.

List the matter on **27.10.2023**.

Sd/-  
**(ATUL CHATURVEDI)**  
**MEMBER (TECHNICAL)**

Sd/-  
**(BACHU VENKAT BALARAM DAS)**  
**MEMBER (JUDICIAL)**