

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT-III**

**ITEM No. 106**

New IA-5238/2023, IA-5125/2023, IA-4466/2023, IA-4126/2022, IA-2500/2023, IA-3976/2023, IA-3977/2023, IA-82/2022, IA-1432/2022

**In**

**IB-1348(ND)/2019**

**IN THE MATTER OF:**

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

Vs.

M/s. Earthcon Universal Infratech Pvt. Ltd. .... Respondent

**Order under Section 7 of the IBC, 2016**

**Order delivered on 06.10.2023**

**CORAM:**

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

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

**PRESENT:**

For Petitioner : Mr. Shikhil Suri, Ms. Madhu Suri, Ms. Vidhi Kapoor, Ms. Vidushi Jain, Ms. Wamika Chadha Advs.  
For Applicant : Mr. Simran Jyot Singh, Mr. Kumar M., Mr. Manu Shekhar Advs.  
For the RA : Mr. Milan Singh Negi, Mr. Nikhil Kumar Advs.  
For AR of HB : Mr. Sanjay Khanna, Mr. Tarandeep Singh, Mr. Amit Singh Advs.  
For the SRA : Mr. P. Nagesh Sr. Adv., Mr. Harshal Kumar Advs.  
For Respondent : Mr. Shobhan Mahanti Adv.  
For NPCL : Mr. Anil Dutt, Mr. Sarthak Garg Advs.  
For the GNIDA : Mr. U.N. Singh Adv.  
For the RP : Mr. Rishabh Jain Adv.

**ORDER**

**New IA-5238/2023**

Issue notice to the Resolution Professional.

Mr. Rishabh Jain Ld. Counsel appearing for the Resolution Professional accepts notice and seeks time to file reply.

Two weeks time granted for filing the reply and one week for rejoinder thereafter.

List the matter along with IA-5125/2023 and IA-4466/2023  
**on 18.10.2023.**

**IA-4126/2022**

Ld. Counsel appearing for the Respondent is directed to file the reply affidavit within three days.

List the matter **on 13.10.2023.**

**IA-2500/2023**

This application has been filed seeking the following prayer:

- b.** *Restrain the Respondent Resolution professional from including arbitrary demand for unapproved increased area or interest penalty either in revised Information Memorandum or any other documents related to revised Request for Resolution Plan.*

It is submitted by the Ld. Counsel appearing for the Applicant that in the Resolution Plan a provision in the Resolution Plan, has been made which is as follows:

*“The Resolution Applicant intends not to charge any sum from home buyers in respect to the increased area in their respective flats.”*

In view of the said provision made by the Ld. Counsel for the Applicant seeks to withdraw the present application.

**IA dismissed as withdrawn.**

**IA-3976/2023 & IA-3977/2023**

Pursuant to the order dated 26.09.2023 the Resolution Professional has served notice upon the Respondents and filed an affidavit of service. None appeared on behalf of the Respondents. Respondents are therefore set ex-parte.

We have heard the submissions made by Mr. Rishabh Jain Ld. Counsel appearing for the Applicant. The order dated 17.07.2023 passed in IA-458/2023 is modified as prayed for by the Applicant in this application.

**IAs allowed.**

**IA-82/2022**

It has been brought to our notice that an appeal has been filed before the Hon'ble NCLAT against the order dated 14.06.2023 passed in IA-3234/2023 and the Hon'ble NCLAT has been pleased to direct that the "*electricity of the lifts of the corridors should not be disconnected and be restored immediately*". Since the Hon'ble Appellate Tribunal ceased of the matter, we adjourn the matter to be listed after 10.11.2023.

List the matter **on 21.11.2023.**

**IA-1432/2022**

List the matter **on 21.11.2023.**

-Sd-

**(ATUL CHATURVEDI)  
MEMBER (TECHNICAL)**

ANAND DUBEY

-Sd-

**(BACHU VENKAT BALARAM DAS)  
MEMBER (JUDICIAL)**