

**NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH**
(through web-based video conferencing platform)

Item No. 206

IA No. 124/JPR/2021

IA No. 146/JPR/2021

IA No. 335/JPR/2021

IA No. 403/JPR/2022

IA No. 35/JPR/2023

IA No. 129/JPR/2023

IA No. 208/JPR/2023

IA No. 299/JPR/2023

IA No. 645/JPR/2023

IA No. 653/JPR/2023

IA No. 121/JPR/2024

IA No. 128/JPR/2024

IA No. 129/JPR/2024

IA No. 130/JPR/2024

IA No. 131/JPR/2024

IA No. 194/JPR/2024

CP No. (IB)- 20/7/JPR/2020

Under Section 7 of IBC, 2016

In the matter of:

M/s Roshan Colonisers Pvt. Ltd.

.... Financial Creditor/Applicant

Versus

M/s Grateful Buildinfra Pvt. Ltd. & Anr. ...Corporate Debtor/Respondent

Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER

HON'BLE MR. RAJEEV MEHROTRA, TECHNICAL MEMBER

Present Through Video Conferencing:

For the Applicant : Karan Gandhi, Adv.
Jai Prakash Rawat, RP
Jitendra Mitrucka, Adv.
Abhi Airen, Adv.
Sanjay Bhandari, Director
Dheeraj Gupta, Adv.

For the Respondent : Amol Vyas, Adv.
Abhisar Bhanu, Adv.

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ORDER

IA No. 129/JPR/2024

Heard Mr. Jai Prakash Rawat, RP along with Mr. Karan Gandhi, Adv. Mr. Dheeraj Gupta, Adv. appearing on behalf of the Applicant (Roshan Colonisers). Mr. Sanjay Bhandari, Suspended Director present in person. Mr. Amol Vyas, Adv. appearing on behalf of the Applicant in IA No. 130/JPR/2024. Mr. Abhisar Bhanu, Adv. appearing in IA No. 299/JPR/2023.

Submission heard; order reserved.

The RP has filed IA No. 124/JPR/2021 u/s 60(5) of IBC, 2016 seeking directions to R-1 & R-2 to extend cooperation by providing adequate police security to the RP for peacefully securing the society plots by raising boundary walls upon 14 society plots bearing Nos. 239, 240, 241, 242, 242B, 246, 249, 250, 251, 252, 272, 273, 274 & 275, all situated at Dr. Rajendra Prasad Nagar-A, Jaipur. It is submitted by learned counsel for the RP that applications with regard to 5 plots out of aforesaid 14 plots have been withdrawn, only 9 plots are subject matter of IA No. 124/JPR/2021.

The RP has also filed IA No. 146/JPR/2021 u/s 60(5) of IBC, 2016, r/w Rule 11 of NCLT Rules, 2016 for seeking directions to the Respondents to remove encroachment upon society plot No. 275 situated at Dr. Rajendra Prasad Nagar, Jaipur and seeking cooperation in this regard to take the possession and control of the said plot.

There are so many applications filed by the private persons claiming ownership and possession of the plots which are subject matter of IA No. 124/JPR/2021. It is also submitted that some litigation is also pending before the competent Civil Courts and Revenue Courts regarding the plots which are subject matter of IA No. 124/JPR/2021.

Sd/-

Sd/-

IA No. 129/JPR/2023 has been filed u/s 60(5), 30(6) & 31 of IBC, 2016, r/w Rule 11 of NCLT Rules, 2016 by the RP seeking approval of the Resolution Plan. The RP has also sought relief seeking vacant possession of the plots subject matter of IA No. 124/JPR/2021 & IA No. 146/JPR/2021. This Adjudicating Authority has to form an opinion whether the pending applications could be adjudicated by this A.A or subject matter of dispute falls under the jurisdiction of the Civil Court.



(Rajeev Mehrotra)
Technical Member



(Deep Chandra Joshi)
Judicial Member

June 07, 2024