

DIVISION BENCH

ITEM NO.103

NATIONAL COMPANY LAW TRIBUNAL

ALLAHABAD BENCH

PRAYAGRAJ

IA NO.233/2023 IN CP (IB) No.112/ALD/2022

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 5th July, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	PRADEEP SHARMA & ORS V/S SUNSHINE TRADETOWER PVT LTD
UNDER SECTION	7 IBC

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Mansij Arya, along with : *For the Financial Creditor*
Ms. Surabhi Gupta, Advs. & *Res. in IA No.233/2023*

Sh. R.P. Agarwal, Sr. Adv. assisted by : *For the Corporate Debtor*
Sh. Siddharth Singhal, Adv. & *Applicant in IA No.233/2023*

ORDER

Ld. Counsels representing the parties are present.

- 1.** Ld. Sr. Counsel representing the Corporate Debtor seeks another opportunity to comply with the order dated 29.04.2024. As per the aforesaid order, the following observations were made :-

- 1. Ld. Counsel representing the Financial Creditor states that according to him, there are 180 allotted units, and therefore the present petition filed U/s 7 is maintainable, in view of the fact that the petitioners U/s 7 comprise of the 10% of 180 units and according to the petitioners, they meet the requirement of 10% of the total number of the units.*
- 2. Per contra, the Ld. Sr. Counsel representing the Corporate Debtor states that as per the supplementary affidavit filed by them till September, 2022, the total number of the allotted units comprise of 684, and therefore the present petition is not maintainable U/s 7, in view of not meeting the eligibility criteria of comprising of 10% of the total number of the allottees.*
- 3. In view of the conflicting situation, let the allotment letters/ communication, if any for the allotted units, be filed by the Ld. Counsels for both the parties within a period of three weeks.*

-Sd-

-Sd-

2. Let the order dated 29.04.2024 be complied with and the necessary affidavit be filed within a period of ten days by the Corporate Debtor.
3. Ld. Counsel representing the Financial Creditor states that an affidavit has already been filed in pursuance of the aforesaid order.
4. Let the matter be adjourned for further hearing on 22nd July, 2024.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

5th July, 2024

Kavya Prakash Srivastava
(Stenographer)