

DIVISION BENCH

ITEM NO.122

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA NO.652/2023, IA NO.74/2024, IA NO.89/2024, IA NO.145/2024,
IA NO.157/2024 & IA NO.206/2024 IN CP (IB) NO.39/ALD/2023**

CORAM:

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

Date of Order: 19th April, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	AVARGREEN ORGANIC FOODS PVT. LTD. V/S RAGHUPATI CONSTRUCTION PVT. LTD.
UNDER SECTION	7 IBC (IN CIRP)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Shivanshu Kumar, Adv. : *For the Applicant/ RP, Mr. Kunwarpreet
Singh present in person*

Ms. Babita Jain, Adv. : *For the Applicant in IA No.89/2024*

ORDER

IA NO.145/2024, IA NO.157/2024 & IA NO.206/2024

Ld. Counsels representing the parties are present physically.

- 1.** Ld. Counsel representing the RP concerning the Progress Reports states that the RP has not been in a position to finalize the information memorandum, and further progress with respect to inviting the Resolution Plans has not been considered by the CoC in the wake of the eligibility criteria still not being determined by the CoC.
- 2.** We see that the CIRP was initiated vide an order dated 19.10.2023 and till date no substantial progress report has been made for consolidating the assets of the Corporate Debtor as well as for initiating process for inviting Resolution Plan.

-Sd-

-Sd-

3. In view of this, let notice be also issued to the CoC to clarify and bring on record the previous meetings of the CoC with respect to the efforts having been made by the CoC on the basis of the inputs supplied by the RP.

IA NO.89/2024

1. This application has been filed by some of the alleged allottees, whose claims have not been admitted by the RP on the premise that earlier they have moved the RERA, where their claims could not be crystalized as the RERA did not allegedly find them to be the eligible allottees, and the matter is already pending before the RERA Appellate Authority.
2. Ld. Counsel representing the Applicant as well as the Ld. Counsel representing the RP along with RP in person seek and are granted two weeks time to assist this Adjudicating Authority with respect to the judicial precedents about the applicability of the provisions of RERA, in the context of the provisions of the IBC.
3. Let the matter be adjourned for final hearing on 17th May, 2024 along with all applications.

IA NO.74/2024

1. This application has been filed by the RP for bringing on record the updated list of the creditors. The same is taken on record, subject to just exceptions. It is also made clear that this list of the creditors would not be deemed to be conclusive in view of the impending claims of some of the alleged allottees, whose claims are yet to be decided by the RP.
2. Accordingly, IA No.74/2024 stands disposed off with the aforesaid directions.

-Sd-
(Ashish Verma)
Member (Technical)
19th April, 2024
Kavya Prakash Srivastava
(Stenographer)

-Sd-
(Praveen Gupta)
Member (Judicial)