

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 60

IA 2579/2023 IA 5454/2023 in C.P. (IB)/494(MB)2019

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **26.04.2024**

NAME OF THE PARTIES: **SREI EQUIPMENT FINANCE LTD V/s**
 SHREE RAM URBAN INFRASTRUCTURE
 LTD

Section 60(5) & 7 of the Insolvency and Bankruptcy Code, 2016

ORDER

IA 2579/2023 IA 5454/2023 in C.P. (IB)/494(MB)2019

- 1) Mr. Kaushal Bansal, Ld. Counsel for the Applicant and Ms. Pratisha Koshe, Ld. Counsel for the Resolution Professional are present.
- 2) Ld. Counsel for the Resolution Professional informs that in compliance of the Order passed by this Bench, Notices have been served upon the Members of Committee of Creditors to file their say in the Application filed by the erstwhile Resolution Professional.
- 3) In that view of the matter, Committee of Creditors are hereby directed to file their Say, well before the adjourned date thereby duly serving copies to the other side well in advance, failing which, this Bench shall proceed further in

the matter based upon the material available on record and verbal arguments on that date.

4) Stand over to 16.05.2024, for further consideration and hearing.

IA 5454/2023 in C.P. (IB)/494(MB)2019

- 1) None present for the Applicant, when the matter is called out. Ms. Saloni Sulakhe, Ld. Counsel for the Respondent No. 3 is present.
- 2) Ld. Counsel for the Respondent No. 3, submits that the present Application is not maintainable in view of the Judgment and order dt. 06.12.2023, passed by the Hon'ble Supreme Court in Civil Appeal No. 8093 of 2023, with MA No. 1612 of 2023 in CA No. 7050 of 2022 along with Transfer Petition No. 2050-2056 of 2023.
- 3) It is submitted that 142 units in the said Project do not form part of the assets of the Corporate Debtor and that this Bench was not to examine any issue relating thereto. It is further submitted that in view of the decision of the Hon'ble Supreme Court in the above said case, the issues raised by the Applicant in the present Application cannot be entertained by this Tribunal.
- 4) In that view of the matter, the present Interlocutory Application bearing IA No. 5454 of 2023, is disposed of as dismissed as not maintainable.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Sd/-

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**