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**IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH  
(Through web-based video conferencing platform)**

**ITEM No.12  
I.A.No.535/2022 in  
C.P.(IB)No.122/BB/2021**

**IN THE MATTER OF:**

Anup Tripathi & Ors. ... Petitioners  
Vs. ...  
M/s. Nandhini Hotels Pvt. Ltd. ... Respondent

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

**Order delivered on 29.11.2022**

**CORAM:**

**SH. KISHORE VEMULAPALLI  
HON'BLE MEMBER (JUDICIAL)**

**SH. MANOJ KUMAR DUBEY  
HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Shri Ricab Chand

**ORDER**

**I. I.A.No.535/2022:**

1. This Application has been filed by Shri Rupesh Anand, Suspended Director, "Prakruthi Solitaire", Project of Corporate Debtor (Applicant), Under Rule 11 of the NCLT Rules, 2016 against the IRP of the Corporate Debtor, seeking to declare the public announcement notice dated 17.11.2022 issued by IRP as illegal and the constitution of CoC based on the said Public Notice be stayed.
2. Heard Shri Ricab Chand, learned Counsel appearing for the Applicant. None appeared for the IRP.
3. Initially, C.P.(IB)No.122/BB/2021 filed by Anup Tripathi & Ors. (Petitioner) was admitted by this Adjudicating Authority, vide its Order

  
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dated 20.10.2022, by initiating CIRP in respect of “Prakruthi Solitaire” project of Corporate Debtor.

4. It is stated that the Financial Creditors have booked their flats only in Phase II of the Project. They are not entitled for flats in any other project of the Corporate Debtor. However, the Respondent/IRP has issued a Public Notice dated 17.11.2022, wherein he has invited the claims from all the creditors of the Corporate Debtor, instead of restricting the claims from the creditors of “Prakruthi Solitaire”. Therefore, he has exceeded his jurisdiction by issuing the said public notice dated 17.11.2022.
5. From the order dated 20.10.2022, it is clear that the CIRP initiated by this Adjudicating Authority is pertaining to “Prakruthi Solitaire” project only, and not in respect of all the projects of the Corporate Debtor.
6. In the result, I.A.No.535/2022 is disposed of with the following directions:
  - i. The Respondent/IRP is directed to restrict the CIRP to “Prakruthi Solitaire” in accordance with the extant provisions of the Code and the Regulations made thereunder and complete the CIRP in respect of the subject project only;
  - ii. Accordingly, the Respondent/IRP is directed to withdraw the public announcement dated 17.11.2022 and to issue fresh public announcement inviting claims only in respect of “Prakruthi Solitaire” project of the Corporate Debtor, as stated in the order dated 20.10.2022.

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**(MANOJ KUMAR DUBEY)**  
**MEMBER (TECHNICAL)**

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**(KISHORE VEMULAPALLI)**  
**MEMBER (JUDICIAL)**