IN THE NATIONAL COMPANY LAW TRIBUNAL, DIVISION BENCH - II, CHENNAI

IA(IBC)/919(CHE)/2022 in IBA/812/2020

(filed under Section 33(2) of the Insolvency Bankruptcy Code, 2016)

In the matter of **JBM HOMES PRIVATE LIMITED**

THARUVAI RAMACHANDRAN RAVICHANDRAN,
Resolution Professional
JBM Homes Private Limited
G3, Block 2, Shivani Apartments,
40, East Coast Road, Thiruvanmyur,
Chennai – 600 041.

... *Applicant*

And

IA(IBC)/972(CHE)/2022 in IBA/826/2020

(filed under Section 33(2) of the Insolvency Bankruptcy Code, 2016)

In the matter of **JBM SHELTERS PRIVATE LIMITED**

THARUVAI RAMACHANDRAN RAVICHANDRAN,
Resolution Professional
JBM Shelters Private Limited,
G3, Block 2, Shivani Apartments,
40, East Coast Road, Thiruvanmyur,
Chennai – 600 041.

... *Applicant*

Order Pronounced on ***12th September 2023***

CORAM

SANJIV JAIN, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Applicant	:	*S. Sathyanarayana, Advocate for RP*
For Financial Creditor	:	*S. Sankaranarayana, Senior Advocate* *Along with M.D. Srinivasan, Advocate* *For LICHFL* *S. Kamalakannan, Advocate* *S. Abinesh, Advocate* *For Reliance Housing Finance Ltd.*
For Promoters	:	*Avinash Krishnan Ravi, Advocate*

ORDER

Per: **SAMEER KAKAR, MEMBER (TECHNICAL)**

Above applications have been filed by Tharuvai Ramachandran Ravichandran, Resolution Professional of **JBM Homes Private Limited** (for brevity 'Corporate Debtor-1') and **JBM Shelters Private Limited** (for brevity 'Corporate Debtor-2') under Section 33(2) of the Insolvency Bankruptcy Code, 2016 seeking to pass an order of liquidation of both the Corporate Debtors and to appoint the Resolution Professional as the Liquidator.

2. Corporate Debtor – 1 is engaged in the business of developing and constructing real estate projects together with infrastructure in Chennai. Corporate Debtor -2 has stood as a guarantor for Corporate Debtor – 1.

3. CIRP in respect of Corporate Debtor – 1 was initiated by this Adjudicating Authority vide order dated 07.09.2021 in IBA/812/2020. Similarly, the CIRP in respect of the Corporate Debtor – 2 was initiated on 07.09.2021 in IBA/826/2020.

JBM HOMES PRIVATE LIMITED – IA(IBC)/919(CHE)/2022

4. After initiation of CIRP by this Tribunal, the Applicant verified the claims and constituted the CoC in respect of the Corporate Debtor – 1 as follows:

Sl. No.	Creditor	Claim Amount Admitted in Rs.	Voting %
1.	LICHFL Trustee Company Limited	98,64,37,800	90.05%
2.	Reliance Home Finance Company Ltd	6,48,54,691	5.92%
3.	Home Buyers	5,74,75,613	4.03%
	Total		**100%**

5. First Form-G was issued on 15.12.2021. In response to the same, there were three Prospective Resolution Applicants (PRA). Since there were only 3 PRAs including suspended directors of the Corporate Debtor, the CoC published fresh Form-G on 26.01.2022.

6. Thereafter, vide order dated 11.03.2022 in IA(IBC)/120(CHE)/2022, the CIRP period was extended till 05.06.2022. In the interregnum, the time period for submission of the resolution plan was extended by the CoC till 16.05.2022 in the 12th CoC meeting held on 12.05.2022. Further, EMD of Rs.3.00 crore fixed earlier was reduced to Rs.25.00 lakhs.

7. Pursuant to the same, only one Resolution Applicant (the erstwhile Director) submitted the resolution plan. In the 16th meeting of the CoC held on 18.07.2022, the CoC with a requisite majority rejected the resolution plan of the suspended Director and resolved to liquidate the Corporate Debtor. Further, the CoC resolved to appoint the applicant herein as the Liquidator. The relevant resolution and the voting of the CoC are extracted below,

SI No.	Resolution	Voted for %	Voted against %	Abstained %
1	RESOLVED to liquidate JBM Homes Private Limited (CIN: U74999TN2015PTC098813) under Section 33(2) and other applicable provisions of the IBC, 2016, if any, as the only resolution plan received from the Director of the Company had been voted out and that resolution plan was rejected.	95.97	4.03	0
2	RESOLVED FURTHER THAT Mr. Tharuvai Ramachandran Ravichandran (IBBI/IPA-002/N00241/2017-18/10692), the present Resolution Professional of the Company, being eligible, having consented to act as Liquidator, be and is hereby appointed as Liquidator of the Company on a remuneration to be mutually agreed upon.	100	0	0
3	RESOLVED FURTHER THAT an application be made to NCLT, Chennai to liquidate JBM Homes Private Limited (CIN: U74999TN2015PTC098813) and the RP Mr Tharuvai Ramachandran Ravichandran (IBBI/IPA-002/IP-N00241/2017-2018/10692) be and is hereby authorised to take all necessary steps and to all such acts and deeds as may be necessary from time to time in this regard.	95.97	4.03	0

8. Based upon the Resolution passed with 95.97% voting share in the 16th CoC meeting held on 18.07.2022, the Applicant filed IA(IBC)/916(CHE)/2022 before this Tribunal seeking liquidation of the Corporate Debtor – 1 viz. JBM Homes Private Limited.

JBM SHELTERS PRIVATE LIMITED – IA(IBC)/972(CHE)/2022

9. After initiation of CIRP by this Tribunal, the Applicant verified the claims and constituted the CoC in respect of the Corporate Debtor – 2 as follows:

Sl. No.	Creditor	Claim Amount Admitted in Rs.	Voting %
1.	LICHFL Trustee Company Limited	98,64,37,800	97.14
2.	Magnum Fininvest	89,05,006	0.88
3	India Infoline Finance Ltd	1,03,15,443	1.02
4	Santhosh Bai	27,14,359	0.27
5	Home Buyers-1	41,50,000	0.41
7	Sri Investments & Finance P Ltd	30,00,000	0.30
	Total		**100%**

10. Form-G was issued on 15.12.2021 and another Form-G was issued on 26.01.2022. Subsequently, the erstwhile director submitted a resolution plan, which was placed before the CoC. In the 15th CoC meeting held on 18.07.2022, the CoC members holding 99.04% voting rights resolved to reject the resolution plan and decided to liquidate the Corporate Debtor – 2 viz. JBM Shelters Private Limited. The respective resolution and voting are extracted hereunder.

Sl No.	Resolution	Voted for %	Voted against %	Abstained %
1	RESOLVED to liquidate JBM Shelters Private Limited (CIN: U45200TN2006PTC060909) under Section 33 and other applicable provisions of the IBC, 2016, if any, as the only resolution plan received from the Director of the Company had been voted out and that resolution plan was rejected.	97.14	0.41	0
2	RESOLVED FURTHER THAT Mr. Tharuvai Ramachandran Ravichandran (IBBI/IPA-002/N00241/2017-18/10692), the present Resolution Professional of the Company, being eligible, having consented to act as Liquidator, be and is hereby appointed as Liquidator of the Company on a remuneration to be mutually agreed upon.	97.14	0.41	0
3	RESOLVED FURTHER THAT an application be made to NCLT, Chennai to liquidate JBM Shelters Private Limited (CIN: U45200TN2006PTC060909) and the RP Mr Tharuvai Ramachandran Ravichandran (IBBI/IPA-002/IP-N00241/2017-2018/10692) be and is hereby authorised to take all necessary steps and to all such acts and deeds as may be necessary from time to time in this regard.	97.14	0.41	0

11. Based upon the Resolution passed with 99.04% voting share in the 15th CoC meeting held on 18.07.2022, the Applicant filed IA(IBC)/972(CHE)/2022 before this Tribunal seeking liquidation of the Corporate Debtor – 2 viz. JBM Shelters Private Limited.

PREAMBLE

12. The Corporate Debtors in the present application are Real Estate Developers who were in the process of developing a project named as 'GST Grand' at Chennai. The CIRP in respect of both the Corporate Debtors commenced on 07.09.2021. The present applications have been filed seeking liquidation of the Corporate Debtors.

13. While dealing with the present applications we are guided by the followings :-

(i) The project is nearly 90% of completion

(ii) Plight of the home buyers who have invested there life savings for a dwelling unit.

(iii) Typical rules governing the real estate construction projects in the State of Tamilnadu, where purchase of the flat has two agreements, one is for registration of undivided share in land (UDS) and the other is a construction agreement. As such the part of the land is presently under mortgage with the Financial Creditors and part is owned by the Flat Owners.

ISSUES RELATING TO HOME BUYERS

14. It is submitted that both JBM Homes Private Limited & JBM Shelters Private Limited developed a project called **'GST Grand'** (hereinafter referred to as 'Project') at Vandalur, Chennai, consisting of 91 Residential Units and 10 Commercial Units. It is stated that around 40 flats were sold in the project, and in the interregnum, the CIRP in respect of both the Corporate Debtors was initiated by this Tribunal.

15. In the present case, the homebuyers have filed numerous applications before this Tribunal in relation to the rejection of their claim by the RP and also in relation to claim of ownership of flats, to which they are entitled. Further, even during the course of hearing, it was submitted by the home buyers, that the order of Liquidation of the Corporate Debtor will not maximize the value of the project nor will provide any fruitful solution to them.

16. Taking into consideration the difficulties faced by the homebuyers, this Tribunal vide order dated 02.11.2022, was impelled to appoint Learned Senior Counsel R. Sankaranarayanan to form a committee to address the issue of the Home Buyers.

17. Learned Senior Counsel R. Sankaranarayanan appraised this Bench on 10.01.2023 and stated that according to his estimate, if a sum of Rs.9.00 Crore is made available to the Corporate Debtor, the project can be completed and possession of the various units can be given to the respective Home Buyers.

18. Pursuant to the same, one of the common Financial Creditor of both the Corporate Debtor viz. LIC Housing Finance Limited filed a

memo dated 06.04.2023 under Diary No.1556, wherein it proposed the following action plan to secure the interest of the Home Buyers. The details of the same are extracted hereunder;

Summary of Action Plan:

a) Delinking from Liquidation Process:

First delinking of 'GST Grand Project' from Liquidation of JBM group companies.

Then receivables from the existing homebuyers will be utilised to complete the Project works and to obtain a completion certificate.

LIC will, without relinquishing its security interest, permit to sell of respective units the amount realised from which will be used in the Project; and

Once the units are handed over to the respective homebuyers, the unsold units will form part of the secured asset of LIC (if retained) or liquidation estate (if relinquished).

b) Finalising List of Pending works and appointment of contractors and budget:

The RP finalized the pending works and has also received free quotes from 2 contractors. The Budget for the completion of the project is estimated as Rs.6.02 crore.

The Balance receivables from the home buyers are approximately Rs.2.22 Crore (from registered home buyers) and Rs.5.81 Crore (From unregistered home buyers).

100% of the balance receivables are to be deposited by the home buyers who have taken over the possession. 95% of the balance receivables are to be deposited by registered and unregistered home buyers and the remaining will be deposited at the time of taking possession.

c) Approval Liquidation and conclusion:

Homebuyers have to approve the action plan proposal and make the payments stipulated above. The Applications pending in this Tribunal with respect to the claim of the home buyers will be closed.

Liquidation order to be passed by the Tribunal in terms of the said proposal. The Liquidator will handle the closure process as pe the directions of the Tribunal.

19. During the hearing held on 28.04.2023, it was submitted by the Learned Senior Counsel Mr. Sankaranarayanan, that the proposed action plan was placed before the home buyers for their consent. However, 19 home buyers did not accord their consent in respect of the aforesaid Action Plan. The details regarding the total flats sold and unsold and the details in relation to homebuyers who gave the consent are tabulated hereunder:

DETAILS REGARDING TOTAL SOLD AND UNSOLD FLATS IN 'GST GRAND' PROJECT:

S. No.	Particulars	Sold	Unsold	Total
1	**Residential-units**	**60**	**31**	**91**
2	Commercial-units	9	1	10
	Total	**69**	**32**	**101**

DETAILS OF HOME BUYERS WHO GAVE CONSENT TO THE PROPOSED PLAN:

S. No.	Category of Home Buyers (HB)	No. of HB	Receivables in Rs.
1	Consented	42	2,93,20,979
2	Not consented with no dues	8	0
3	Not consented with dues	19	5,22,30,902
	Total	**69**	**8,16,11,881**

20. Among 19 home buyers who have not given their consent, the RP provided the contact details of 11 home buyers who hold a total of 13 flats. Thereafter, this Bench directed the RP to convene a meeting of the said 11 home buyers to avail their consent.

21. In pursuant to the same, RP filed an additional affidavit dated 31.05.2023, reporting the developments in the meeting held on 08.05.2023. A perusal of the same would show that 8 more home buyers who have Rs.2,61,95,957/- dues, gave the consent for the proposed action plan.

22. Thus, it could be seen that majority of the home buyers have accorded their consent in relation to the action plan proposed by the Financial Creditor. Further, from the table as reproduced *supra*, it could be seen that a total number of 69 flats have been sold. However, the possession of the said 69 flats have not been handed over to the

homebuyers. Also, out of the said 69 flats, there are receivables to the tune of Rs.8,16,11,881/- which are required to be paid by the homebuyers. In the action plan submitted by the Financial Creditor, it could be seen that a sum of Rs.6.02 Crores (estimated with contingency of 10%) is required to complete the pending works and obtaining the completion certificate.

23. It is also seen from the record of proceedings dated 11.08.2023, that no conclusion was reached at the meeting headed by Learned Senior Counsel R. Sankaranarayanan. The said order is extracted hereunder:

> *Ld. Sr. Counsel Mr.R.Sankarayanrayanan appears for the Financial Creditors. Ld. Counsel Mr.Avinash Krishnan Ravi appears for the Promoters. Ld. Counsel Mr.Kamalakannan appears for Reliance Home Finances Limited.*
>
> *Order dated 07.08.2023 in I.A.669/2022 records that meeting of the parties was arranged. Today, Senior Counsel Mr.R.Sanakranarayanan appears on behalf the Financial Creditors.*
>
> *Ld. Counsel appears on behalf M/s Reliance Home Finance Ltd states that no conclusion was reached at the Senior level persons Meeting.*
>
> *It is admitted position that the title deeds with respect to various parties owned by the CD are lying with Reliance Home Finance Limited.*
>
> *We have heard all the sides in detail.* ***Order Reserved***

24. It is seen from the order extracted supra that the title deeds with respect to various parties owned by the Corporate Debtor are lying with Reliance Home Finance Limited.

25. It is to be noted here that this Tribunal has recently adjudicated an application i.e. IA(IBC)/978(CHE)/2023 filed by one Ms. Lakshitha S Jain. This Tribunal vide its order dated 09.08.2023 directed the RP to admit the claim of Ms. Lakshitha S Jain to the tune of Rs.84,36,000/- and further directed the RP to take steps to register respective UDS on her behalf. It is also seen that Ms. Lakshitha S Jain has paid the entire amount for two flats, i.e. one at 8th Floor and the other at 9th Floor.

26. If the claim of Ms. Lakshitha S Jain is admitted, then the number of Sold flats would be revised to 71 and the number of Unsold flats would be revised to 30. The RP / Liquidator shall treat the two flats of Ms. Lakshitha S Jain as 'Sold Flats' under 'Excluded Assets' and as such the same shall be dealt with accordingly.

DISPOSITIVE REASONING OF THIS TRIBUNAL

27. Upon hearing the Learned Counsel for the homebuyers and the Financial Creditors, it becomes clear that if a sum to the tune of

approximately Rs.6.02 Crore is available in the coffers of the Corporate Debtor, the project GRT Grand can be completed and handed over to the homebuyers. On the contrary, if we order for liquidation of the Corporate Debtor, the home buyers will be put into undue hardship and would be losing their dwelling units in addition to the money already paid. It is a well settled law that the interest of the homebuyers is of paramount importance and hence their interest has to be safeguarded at any cost.

28. In the case of **Chitra Sharma and Ors v. Union of India and Ors.** *(2018) 18 SCC 575* the Hon'ble Supreme Court has highlighted the need for protection of homebuyers. Further, in the case of **Amish Jaysukhlal Sanghrajka v. Akshar Shanti Realtors (P.) Ltd**, the Hon'ble Supreme Court reiterated the similar view, that the homebuyers' rights shall not be violated.

29. The home buyers are the worst affected persons in these situations wherein they would be left without a remedy once the process under IBC starts, since moratorium under Section 14 of IBC, 2016 comes into force. The liquidation proceedings become the last resort for the

homebuyers who have put in their hard-earned investments to secure a home for themselves. The Hon'ble Supreme Court in the matter of **M/s. Shantistar Builders v. Narayan Khimalal Totame,** *(1990) 1 SCC 520* has held that a home for the family is a basic human yearning and it is a part of right to life, which is a fundamental right guaranteed under Article 21 of Constitution of India.

30. Under these circumstances, this Tribunal is required to pass an order, keeping in mind the paramount importance and interest of the homebuyers, and also the object of IBC, 2016.

LIQUIDATION ORDER

31. Thus, in order to protect the interest of the homebuyers, and also in order to do complete justice and, keeping in view of the intricate and unique facts and circumstances of the present case, we are of the opinion that in the project 'GRT Grand', 71 flats that are sold, should be kept **outside the purview of 'Liquidation Estate' (Excluded Assets)** of both the Corporate Debtors.

32. The detail order in relation to how the excluded assets are to be treated as dealt with in the latter portion of this order.

33. Hence, by excluding these 71 flats from the project 'GRT Grand', the Liquidation process in relation to (i) JBM Homes Private Limited and (ii) JBM Shelters Private Limited is required to be ordered.

34. It is already stated that only one Resolution Applicant (the erstwhile Director) submitted the resolution plan and in the CoC meetings of both the Corporate Debtor, it was resolved with a requisite majority of more than 66% to reject the Resolution Plan and to liquidate both the Corporate Debtors.

35. Form-H has been filed. The proposed Liquidator, Tharuvai Ramachandran Ravichandran has also filed his written consent to act as the Liquidator of the Corporate Debtor and also on verification from the IBBI Website, it is seen that the Authorization for Assignment (AFA) for the RP is valid up to 06.12.2023. However, the IBBI vide its power vested under Section 34(4)(b) has recommended that an Insolvency Professional other than the RP / IRP shall be appointed as Liquidator, in all the cases where an order of Liquidation is passed.

36. As a consequence, the Corporate Debtors viz. **(i) JBM Homes Private Limited and (ii) JBM Shelters Private Limited** is required to be

ordered for liquidation as per Section 33(1)(a) of IBC, 2016. We hereby appoint **Mr. Venkataraman Subramanian with Reg. No. IBBI/IPA-002/IP-N01068/2020–2021/13433 (email id:- ipvenkataraman@gmail.com)** as the common Liquidator of both the Corporate Debtors viz. **(i) JBM Homes Private Limited and (ii) JBM Shelters Private Limited,** to carry out the liquidation process subject to the following terms of the directions.

a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended upto date enjoined upon her.

b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.

c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file suitable application before this Adjudicating Authority.

d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and to the Insolvency and Bankruptcy Board of India;

e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.

f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under section 33(5) of the Insolvency and Bankruptcy Code shall commence.

g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.

h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.

i) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further report as are required to be filed under the relevant

Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.

j) Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary co-operation in relation to the Liquidation process of the Corporate Debtor.

EXCLUDED ASSETS

37. The details of the flats sold and unsold in the 'GRT Grand' project are extracted hereunder:

S. No.	Particulars	Sold	Unsold	Total
1	**Residential-units**	**62**	**29**	**91**
2	Commercial-units	9	1	10
	Total	**71**	**30**	**101**

38. In order to carry out the process and for completion and handing over of the 71 sold flats to the homebuyers, this Tribunal passes the following orders and directions;

i. The Liquidator appointed by this Tribunal shall be in-charge for the completion of the project 'GRT Grand'.

ii. It is stated that the RP / Liquidator has obtained the quote from the contractors and the same has also been shared to all the stakeholders. Hence, the Liquidator shall take all

earnest steps to complete the project 'GRT Grand' within a period of 4 months from the date of this order.

iii. The Liquidator shall open three Bank Accounts viz. (i) for the project GRT Grand, (ii) for the Liquidation of the Corporate Debtor – 1 (iii) for the Liquidation of the Corporate Debtor – 2.

iv. Since the Financial Creditor viz. Reliance Home Finance Limited is in possession of title deeds in respect of various flats of the Corporate Debtor, we direct Reliance Home Finance Limited to hand over the title deeds in respect of the flats which are coming within the purview of "Excluded Assets", if any, to the Liquidator within a period of 10 days from the date of this order.

v. The Home buyers are categorized as follows and are required to deposit their balance amount as follows;

a. 100% of the balance receivables by the Registered homebuyers, who have taken possession / keys of the flat or by unregistered homebuyers who have taken possession / keys of the flat;

b. 95% of the balance receivables by the registered homebuyers who have not taken possession / keys of the flat. The balance 5% can be paid at the time of handing over the respective units;

c. Unregistered homebuyers / allottees who have not taken possession of the units or do not have a registered sale deed in their favour, will have to intimate the RP within 7 days, whether they are

interested in registering the flat; and if yes, they pay 95% of the sale consideration on registration. The balance 5% can be paid at the time of handing over of the respective units. If the customers are not interested in registering the flat and would like to cancel the sale, the same can be cancelled and the flat should be allowed to be resold and the proceeds from the re-sale should be utilized for completion of the pending work. Refund for such uninterested homebuyers shall be made from the proceeds available in the 'GRT Grand' account, only after completion of the entire project and obtaining a completion certificate and not before.

d. If no intimation is received from the unregistered homebuyers, within a period of 14 days, the allotment should be treated as cancelled and the flat should be allowed to be resold and the proceeds from the re-sale should be utilized for completion of the pending work. Refund for such uninterested homebuyers shall be made from the proceeds available in the 'GRT Grand' account, only after completion of the entire project and obtaining a completion certificate and not before.

vi. The entire proceeds / receivables collected in respect of the project GRT Grand shall be deposited only in the 'GRT Grand' account and not in any of the Liquidation account of the Corporate Debtor.

vii. None of the Financial Creditors shall have charge or security interest over the amount lying in the said project 'GRT Grand' account.

viii. The Liquidator alone is authorized to use the Bank account opened in the name of 'GRT Grand'.

ix. The amount lying in the said 'GRT Grand' account shall only be used for the completion of the project and not for any other purpose. The said account is required to be audited by a Chartered Accountant every month and the same shall be filed before this Tribunal.

x. No internal work will be done for the homebuyers who have possession of the respective units.

xi. Since, as on date there are no funds available for the completion of the project, the homebuyers are requested to pay the balance receivables in order to complete the project.

xii. Only after obtaining the completion certificate and service connections; and receipt of the balance dues from the respective homebuyers, the RP / Liquidator shall handover the respective units to the homebuyers.

xiii. After handing over of the units to the homebuyers, the surplus amount lying in the 'GRT Grand' account shall be transferred to the 'Liquidation account of the Corporate Debtor – 1' and 'Liquidation account of the Corporate Debtor – 2' in the proportion of 25:75.

xiv. In so far as the 30 units that are unsold, the same shall form part of the Liquidation estate of the Corporate Debtor.

xv. After completion of the project and handing over of the 71 units to the homebuyers, the remaining 30 units, which are unsold, shall be sold by the Liquidator and the proceeds of the same shall be paid to the Financial Creditors as per the waterfall mechanism stipulated under Section 53 of IBC, 2016.

xvi. If the Liquidator is facing any difficulty in implementing this order, liberty is granted to approach this Tribunal.

39. With the above said directions, IA(IBC)/972(CHE)/2022 and IA(IBC)/919(CHE)/2022 stand **disposed of**.

— sd —

SAMEER KAKAR
MEMBER (TECHNICAL)

— sd —

SANJIV JAIN
MEMBER (JUDICIAL)

Raymond

Order pronounced under Rule 151 of NCLT Rules 2016, by Hon'ble Judicial Member Sanjiv Jain on behalf of the Bench Comprising of Sanjiv Jain, Member (Judicial) and Sameer Kakar, Member (Technical).

M. Nallucharaagul
(COURT OFFICER)