



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम, 2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

2. Mr. R.K. Arora, the suspended director of the corporate debtor filed an appeal bearing company appeal (AT) (Ins) no. 406 of 2022 on 07.04.2022 before NCLAT against the order dated 25.03.2022. The appeal was subsequently heard on multiple dates and NCLAT had continued the stay on constitution of the CoC till 10.06.2022. The NCLAT vide order dated 10.06.2022 modified the CoC stay order to the extent that the IRP may constitute the CoC only in relation to the project Eco-Village - II of the corporate debtor.

3. An application dated 26.07.2022 from Mr. Hitesh Goel IRP was received stating therein that though all the projects of the corporate debtor apart from ECO village - II would be kept as ongoing project, but the construction of the other projects would continue with overall supervision of IRP with the assistance of ex-management, its employees, and workmen. So, the imposition of moratorium under section 14 of IBC would continue and proceedings of all the cases listed before the authority be adjourned sine die.

4. Vide order dated 12.09.2022, the NCLAT has clarified that "the CIRP order has not been stayed. The Moratorium is continuing" and also vide order dated 14.10.2022, NCLAT made it clear that verification of the claim has to be with regard to all projects and is not only confined to Eco-village -II.

After taking into consideration all the material facts, it is observed that there is a categoric observation to the effect that CIRP has been initiated against the corporate debtor which includes all the assets of the corporate debtor, which are under the control and management of the IRP. The effect of order dated 10.06.2022 is that the CIRP process initiated is corporate debtor centric and not project centric which implies that all the projects of M/s Supertech Limited are covered within the ambit of CIRP and thus, the order of moratorium which as on date has not been modified, is applicable to all the proceeding against corporate debtor.

In view of the facts and circumstances mentioned above and to gain clarity as to what can be done to protect the interest of the allottees., it is directed that

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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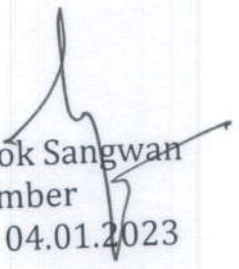
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IRP shall be present on the next date of hearing to explain the detailed status of the moratorium imposed upon M/s Supertech Ltd. and to explain whether M/s Supertech Ltd. can demand the outstanding amount in case moratorium is continuing on whole of the company. Further, the authority shall also explore for engaging the services of an expert in NCLT matters to protect the rights and interest of allottees.

Matter to come up on **01.03.2023** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
04.01.2023