

PROCEEDINGS OF THE DAY		80
Day and Date	Monday and 10.10.2022	
Complaint No.	CR/431/2022 Case titled as Sudesh Kumar Vs SUPERTECH LIMITED	
Complainant	Sudesh Kumar	
Represented through	Shri Harshit Batra Advocate	
Respondent	SUPERTECH LIMITED	
Respondent Represented	Shri Bhrgu Dhami Advocate for R1 Shri Gaurav Dua Adv. for R2	
Last date of hearing	26.07.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Vide orders dated 25.03.2022, NCLT New Delhi initiated CIRP against the respondent i.e., M/s Supertech Limited and appointed Mr. Hitesh Goel as IRP for the corporate debtor and declared moratorium as per section 14 of IBC. It led to filing an appeal in NCLAT against that order by Mr. R.K. Arora, one of the suspended Director. That order was stayed by NCLAT and constitution of CoC was stayed and observed that IRP may constituted the CoC only in relation to project ECO village-II of the corporate debtor and that appeal is pending for 12.08.2022.

Further an application dated 26.07.2022 from Mr. Hitesh Goel IRP has been 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. But plea raised in this regard is devoid of merit. While passing order dated 25.03.2022 though NCLT initiated CIRP against the corporate debtor, but that

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order was stayed and modified vide orders dated 26.07.2022 by NCLAT by observing that the construction of all other projects shall continue with over all supervision of IRP with the assistance of its ex-management, its employees and workmen. Though clarification w.r.t this order is pending for 28.09.2022 before NCLAT but IRP would be treated as a promoter for all intents and purposes except for ECO village-II against whom CIRP has been initiated and is pending.

The authority has already requested to the Additional AG Haryana to examine whether as per reading of order dated **25.03.2022** and order dated 10.06.2022, moratorium in terms of Section 14 of the IBC is declared only against ECO village-II project or in respect of all other projects of the corporate debtor i.e., M/s Supertech Limited. The requisite advice is still awaited. The counsel for the respondent had produced a copy of order passed by Hon'ble NCDRC wherein various complaints were listed and NCDRC after perusal of the order passed by NCLAT has deferred the matter for awaiting clarification from NCLAT regarding applicability of moratorium on project of M/s Supertech other than ECO village - 2. The counsel has further submitted that IRP has also moved an application before NCLAT for clarification and the case is fixed for 28.09.2022.

The counsel for the respondent has produced a copy of orders dated 26.08.2022 in case titled as EA/141/2021 and other bunch matters were heard in NCDRC vide which the NCDRC has deferred the matter till 13.12.2022 keeping in view the NCLAT orders dated 25.03.2022.

Now vide order dated 12.09.2022, the NCLAT has clarified that ***"the CIRP order has not been stayed. The Moratorium is continuing."***

On 30.09.2022 one of the complainant had moved an application stating therein that letters from M/s Supertech in Hues project had been received and demanded the amount otherwise they threaten to cancel the unit and forfeit the amount which he has already paid since 2014 and placed a copy of email dated 22.09.2022 sent by the Supertech Ltd. to clear the outstanding dues on 05.10.2022. On failure they shall be compelled to cancel the unit. The counsel for the complainant had requested that M/s Supertech cannot demand the outstanding amount in case the moratorium is continuing and IRP has been appointed.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

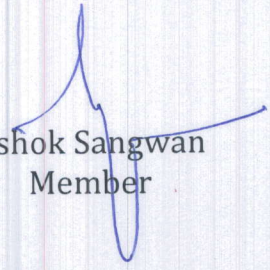
New PWD Rest House, Civil Lines, Gurugram, Haryana

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

In view of the facts and circumstances above, it is directed that 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 **23.02.2023** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
10.10.2022