



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		79
Day and Date	Thursday and 23.02.2023	
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 through	Shri Bhrigu Dhami Advocate for R1 Shri Gaurav Dua Adv. for R2	
Last date of hearing	10.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant has already moved an application dated 10.6.22 for impleadment of the respondent Sarv Realtors Pvt. Ltd. as a necessary party being the licensee who is responsible for development, marketing and sale of the project admeasuring 32.84 acres and to be treated as a promoter under the meaning of Section 2(zk) of the Act. He has also placed on record the proceedings dated 4.1.2023 of the authority in case CR No.425/2022 vide which the complainant moved an application for impleadment of M/s Sav Realtors Pvt. Ltd. as necessary party and the authority issued a fresh notice to M/s Sarv Realtors Pvt. Ltd. for appearance on the next date of hearing.

The brief background of the case is as under:

1. The Union Bank of India had preferred a Company Petition CP(IB) bearing NO. 204/(ND) 2021 before NCLT under Section 7 of Insolvency and Bankruptcy Code 2016 against M/s Supertech Ltd. for non-payment of outstanding debt. The NCLT was pleased to admit the insolvency petition by its order dated 25.03.2022. Vide this order the NCLT inter alia initiated CIRP against the corporate debtor, and appointed, Hitesh Goel as the Interim



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CA 193/2022

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Resolution Professional for the corporate debtor and declared moratorium as per Section 14 of the IBC.

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.

The counsel for the respondent has produced a copy of order dated 31.01.2023 passed by NCLAT, Principal Bench, New Delhi passed in Company Appeal (AT) (Ins.) No.406 of 2022 and I.A. No.2246, 2646 and 2663 of 2022 in case titled as Ram Kishor Arora Suspended Director of Supertech Ltd. vs. Union of India and another which is re-produced as under:-

Learned counsel for the parties have placed before us the order passed by the Hon'ble Supreme Court dated 27.01.2023 which is to the following effect:-

"taking note of the submissions sought to be made in these matters, we are clearly of the view that as at present, the offers said to have been made by the prospective resolution applicants may be evaluated and may be placed for consideration before the NCLAT but beyond that process, we would request the NCLAT to



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keep the proceedings in abeyance and await further order of this Court.

List these matters on 16.02.2023".

In view of the aforesaid order of the Hon'ble Supreme Court, the appeal is adjourned to await further orders of Hon'ble Supreme Court.

As per proceedings dated 12.08.2022 opinion of A. G. Haryana was sought, who has clearly opined vide his letter dated 28.11.2022 to adjourn sine die the matter.

The IRP is directed to submit the status of case pending before the NCLAT within a week to this authority.

In view of the above directions passed in order dated 31.01.2023, the matter is adjourned sine die. File be consigned to the registry.

V.I - 3
Vijay Kumar Goyal
Member
23.02.2023