

PROCEEDINGS OF THE DAY		16
Day and Date	Thursday and 17.08.2023	
Complaint No.	CR/6463/2022 Case titled as Sudhir Dhingra Vs Orris Infrastructure Private Limited and 3C Sheelters Private Limited and Radha Estates Pvt.	
Complainant	Sudhir Dhingra	
Represented through	Shri Anurag Kulharia and Rajat Sangwan, Advocates	
Respondent	Orris Infrastructure Private Limited and 3C Sheelters Private Limited and Radha Estates Pvt.	
Respondent Represented through	Ms Charu Rustogi, Advocate	
Last date of hearing	16.2.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 19.10.2022. The reply has not been filed by either of the respondents. However, the respondent no.1 has filed an application on 16.02.2023 for rejection of complaint under order 7 rule 11 Civil Procedure Code, 1908 stating that the complainant herein has already filed a complaint before Hon'ble NCLT. The counsel for the complainant states that Hon'ble Apex court in Case of Arbitration petition © No. 48 of 2019 with Civil Appeal No.1070 of 2021 decided on March, 26,2021 (under para 26) has held that mere filing of petition and its pendency before admission, therefore, cannot be construed as the triggering of a proceeding in rem. Hence the admission of the petition for consideration of the corporate insolvency resolution process is the relevant stage which would decide the status and the nature of the pendency of the		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियमन अधिनियम, 2016
नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाइन्स गुरुग्राम हरियाणा

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाइन्स गुरुग्राम हरियाणा

proceedings and the mere filing cannot be taken as the triggering of insolvency process.

Since the proceedings under section 7 of IBC is not admitted in above case and hence the authority can proceed with the relief sought under the Act, 2016. The counsel for the complainant is directed to file reply to the application filed by the respondent No. 1 for rejection of complaint alongwith citation mentioned during the proceedings. Further the counsel for the respondent also states that the matter of respondent No.1 titled as Orris Infrastructure Pvt. Ltd. Versus Manoj Aggarwal and others is pending before the Hon'ble Supreme Court alongwith several other matters and is fixed for hearing on 22nd August, 2023 and is filing detailed reply alongwith above submissions in the authority. The counsel for the complainant may also file rejoinder to the above reply within next two weeks.

Matter to come up before full bench on 31.10.2023 for further proceedings.

V.I - 3

Vijay Kumar Goyal
Member
17.08.2023