

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 11197 OF 2017

PAWAN DUBEY & ANR.

Appellant(s)

VERSUS

M/S J.B.K. DEVELOPERS PRIVATE LIMITED

Respondent(s)

O R D E R

Heard the learned counsel appearing for the appellants.

We agree with the view taken by the National Company Law Appellate Tribunal that refund of money paid along with interest thereon arising out of cancellation of allotment of a flat will not be subsumed in the definition of "operational debt" under the Insolvency and Bankruptcy Code, 2016.

In view of this, we find no merit in the appeal.

Accordingly, the appeal is dismissed.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
September 15, 2017.

ITEM NO.41

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 11197/2017

PAWAN DUBEY & ANR.

Appellant(s)

VERSUS

M/S J.B.K. DEVELOPERS PRIVATE LIMITED

Respondent(s)

(FOR ADMISSION and IA No.85950/2017-STAY APPLICATION)

Date : 15-09-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Appellant(s) Mr. Biswajit Das, Adv.
 Mr. Pawan Dubey, Adv.
 Mr. Tarun Khanna, Adv.
 For M/s Aura & Co., AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application stands disposed of.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)