

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.102

New IA4352/2023New IA4445/2023IA/4766/2021IA-4096/2022IA-
1161/2022IA-1926/2022IA-3087/2022IA-5139/2022IA-5140/2022IA-
5141/2022IA-899/2023IA-935/2023 IA-1601/2023IA-2766/2023
IA-2953/2023 IA-3363/2023IA-3698/2023IA-4211/2023
In
(IB)-2130(ND)2019

IN THE MATTER OF:

M/s. Dynacon Projects Pvt. Ltd.

.... **APPLICANT/PETITIONER**

Vs.

M/s. Today Homes & Infrastructure Pvt. Ltd.

.... **RESPONDENT**

SECTION

U/s 9 IBC code 2016

Order delivered on 23.08.2023

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant

: C.S. Gupta, Advocate in IA-2766/2023, IA-899/2023, IA-1601/2023, IA-2953/2023, Mr. Ravinder Singh, Mr. Dhruv Goel, Advocates in IA-3087/2022, Mr. Vinod Khera, Mr. Rajesh Agarwal, Advocates in CA-935/2023, Mr. Roshan Santhalia, Ms. Puja Jakhar and Mr. Raghav Makkar, Advocates in IA 5139/2022, 5140/2022, 5141/2022, Mr. Akshay Goel, Advocate

For the Noida Authority

: UN Singh Advocate for Applicant-GNoida Authority in I.A. No. 4445/2023

For the SRA

: Mr. Akshay Srivastava, Mr. Jayant Upadhyay, Advocates for SRA in IA-4096/2022

For the RP

: Mr. Kanishk Khetan, Advocate for RP alongwith Mr. Nilesh Sharma, RP

Mr. Anmol Rattan Sidhu Sr. Adv, Mr. Mandeep Kaur and Ms. Divita Vyas, Advocates for Proforma Respondent

For the Respondent

: Mr. Aman Leekha, Advocate for R-9 , HDFC Bank in IA-4096/2022, Mr. Omprakash Sharma, Advocate for R-8 in IA-4096/2022

ORDER

**IA-1161/2022 IA-1926/2022 IA-3087/2022 IA-5139/2022 IA-5140/2022
IA-5141/2022 IA-899/2023 IA-1601/2023 IA-2766/2023 IA-3363/2023 IA-
3698/2023 IA-4211/2023:-**

These applications have been filed against the rejection of the claim on the ground of delay in submission of the claim. Ld. Counsel appearing for the RP has stated that an affidavit has been filed in IA-4766/2021 which is an application seeking approval of the Resolution Plan, stating that:-

"In reference to the observation made by Hon'ble NCLAT as per your trailing mail in regards to the homebuyers who have not filed their claims/have filed claims belatedly, we undertake that the Resolution applicant shall consider their claims and treat them at par with other homebuyers who had filed their claims in time, and provide them with their respective units under the Resolution Plan subject to the direction of the Hon'ble NCLT/NCLAT to consider their claims, upon verification of their documents/proof of claims under IBC."

Having perused the said affidavit and in view of the statement made by the RP in court, the RP is directed to consider the claims filed by the Applicants and treat the Applicants at par with other creditors subject to verification.

All Interlocutory Applications are **disposed of** with the above directions.

IA-2953/2023 & IA-935/2023:-

List the matter on **24.08.2023**.

New IA-4352/2023:-

This application has been filed against the rejection of the claim on the ground of delay in submission of the claim. Ld. Counsel appearing for the RP

has stated that an affidavit has been filed in IA-4766/2021 which is an application seeking approval of the Resolution Plan, stating that:-

"In reference to the observation made by Hon'ble NCLAT as per your trailing mail in regards to the homebuyers who have not filed their claims/have filed claims belatedly, we undertake that the Resolution applicant shall consider their claims and treat them at par with other homebuyers who had filed their claims in time, and provide them with their respective units under the Resolution Plan subject to the direction of the Hon'ble NCLT/NCLAT to consider their claims, upon verification of their documents/proof of claims under IBC."

Having perused the said affidavit and in view of the statement made by the RP in court, the RP is directed to consider the claims filed by the Applicants and treat the Applicants at par with other creditors subject to verification.

IA disposed of.

New IA-4445/2023:-

List the matter on **29.08.2023**.

Pleadings be completed before the next date of hearing.

IA/4766/2021 IA-4096/2022:-

List the matter on **30.08.2023**.

Sd/-

**(ATUL CHATURVEDI)
MEMBER (TECHNICAL)**

Sd/-

**(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)**