

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

Item No. 101

IA-935/2023 IA-2953/2023 IA-5696/2022 IA-5757/2022 IA/5100/2020
IA-1996/2022 IA-2821/2022 IA-4107/2022 IA-4598/2022 IA-2956/2023
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 of IBC, 2016

Order delivered on 24.08.2023

CORAM:

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

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Adv. C.S Gupta in IA-2953 & IA-2956/2023.

Mr. Himanshu Harbola, Mr. Khetan Madan, Adv in IA-1996.

For the RP :

Mr. Saurabh Kirpal, Sr. Adv, Ms. Anushka Sarkar,
Ms. Swastika Kumari, Mr. Kanishk Khetan, Adv for RP a/w
Mr. Nilesh Sharma, RP in person.

For the Respondent :

Mr. Anmol Rattan Sidhu, Sr. Adv. Mr. Mandeep Kaur,
Adv. Divita Vyas in IA-4107/2022.
Adv. Piyush Singh Adv. Vivek Kumar, Adv. Jayant Upadhyay,
for R-4 in IA-5696/2022.

For the GNOIDA :

Mr. U.N. Singh Advocate.

ORDER

IA-935/2023:-

This application has been filed by the Applicant seeking a direction to the Resolution Professional to admit the claim of Rs. 2,51,03,029/-the Applicants submitted in Form CA on 19.09.2022. It is not disputed that the claim was filed after approval of the Resolution Plan by the CoC on 17.08.2021. Therefore, the present claim cannot be entertained/admitted in view of the settled principal of law. As held in the judgment passed by Hon'ble NCLAT in the case of **Puneet Kaur versus M/s. K.V. Developers Private Limited** Company Appeal (AT) (Insolvency) No. 390 of 2022 dated 01.06.2022, wherein it has been held that claim filed after the approval of the Plan by the Committee of Creditors cannot be admitted.

IA is therefore **dismissed**.

IA-5696/2022:-

Heard Mr. Sourabh Kirpal, Learned Senior Counsel appearing for the Resolution Professional. Mr. Piyush Singh, Learned Counsel appearing for the Respondent No. 4 seeks time to file reply. Two weeks time granted.

Issue fresh notice to Respondent Nos. 1 to 3.

The Resolution Professional is directed to serve notice along with a copy of this application to the Respondent Nos. 1 to 3 by all modes and file proof of service along with an affidavit within one week. The Respondent Nos. 1 to 3 shall file its reply affidavit within one week after receipt of notice.

List the matter on **14.09.2023**.

IA-2821/2022, IA-4598/2022 & IA-2956/2023:-

The prayer common to these applications is to direct the Resolution Professional to execute the sale deed with respect to the flat in question.

Mr. Sourabh Kirpal, Learned Senior Counsel appearing for the Resolution Professional has stated that in case the Applicant pays a sum of Rs. 1 Lakh towards the registration charges and other expenses, the registration process can be done and sale deed can be executed. The Applicants in these applications are directed to file an affidavit indicating as to whether they are agreeable to this proposal within ten days.

List the matter on **14.09.2023**.

IA-5757/2022:-

Heard Mr. Sourabh Kirpal, Learned Senior Counsel appearing for the Applicant.

Issue notice to Respondents.

The Applicant is directed to serve notice along with a copy of this application to the Respondents by all modes and file proof of service along with an affidavit within one week. The Respondents shall file its reply affidavit within one week after receipt of notice.

List the matter on **14.09.2023**.

IA-5100/2020:-

None appears for the Applicant despite repeated calls.

IA-5100/2020 is **dismissed for non-prosecution**.

IA-4107/2022:-

This application has been filed seeking to approach the Hon'ble High Court of Delhi for a speedy disposal of the Section 34 objections and for recovery of the monies from LIT so as to augment the Liquidated Value of the CD.

Having heard the submissions of the Learned Counsel for the parties and on perusal of the application, we are of the considered view that prayer A cannot be granted by this Tribunal.

Prayer B of the application is covered by order dated 01.08.2023 in IA-5764/2021 passed by this Tribunal. Therefore, the said prayer does not survive.

IA is therefore **dismissed**.

IA-2953/2023:-

Heard the submissions made by the Learned Counsel on behalf of both the parties.

Arguments concluded.

The parties are at liberty to file two page notes of submissions along with case laws, if any, within three days.

Order **reserved**.

IA-1996/2022:-

On the joint request made by the Learned Counsel appearing for the parties, the matter is adjourned to **14.09.2023** to enable the parties to come an understanding and file a status report.

Sd/-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)