IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI COURT-II

Item No. 211 (IB)-2130(ND)2019 IA/3356/2020

IN THE MATTER OF:

M/s. Dynacon Projects Pvt. Ltd.

.. Applicant/Petitioner

V/s.

M/s. Today Homes & Infrastructure Pvt.

Ltd.

... Respondent

<u>Under Section:</u> U/s 9 of IBC Code,2016

Order delivered on 24.08.2020

CORAM:

SHRI. CH. MOHD.SHARIEF TARIQ, HON'BLE MEMBER (J)

SHRI. L.N. GUPTA, HON'BLE MEMBER (T)

PRESENT:

Mr. Ranjan Grover, Advocate for CoC

Mr. Sumesh Dhawan, Mr. Vatsala Kak & Ms. Ankita Bajpai, Advocates for Suspended Directors

Mr. P. Nagesh & Mr. Milan Singh Negi, Advocate for RP/Applicant

ORDER

IA-3356/2020: Counsel for the Resolution Professional is present. He has preferred the IA for seeking direction to the Respondent No. 1 to 4 to restore the peaceful, vacant and physical possession of Canary Greens situated at Sector 73, Sohna Road, Gurugram and direction to Respondent No. 5 & 6 to assess the Applicant in restoring the peaceful, vacant and physical possession of the said land. The Registry is directed to issue notice to the respondents. RP is permitted to issue private notice to the respondents and file proof of service along with an affidavit on or before the next date of hearing. List the matter on 28th August, 2020.



It is submitted by the Counsel for the Resolution Professional that the Corporate Debtor has right of developing a housing project at Canary Greens admeasuring an area of 8 lac Sq. Feet in terms of the agreement with New India dated 30.07.2010 and irrevocable power of attorney dated 20.01.2010 executed by the owners/Respondent No. 1 to 4 in favour of the Corporate Debtor. He further submitted that Respondent No. 1 to 4 have entered into the project site without any right and have interfered with peaceful possession and construction of the Corporate Debtor, which is in violation of the provisions of IBC particularly Section 14, as the Corporate Debtor has been undergoing CIR process since 31.10.2019. In the circumstances, Respondent No. 5 & 6 are directed to ensure that the Respondents 1 to 4 do not interfere in the peaceful possession of the RP on the land in question i.e., Canary Greens situated at Sector 73, Sohna Road, Gurugram. The Respondents No. 5 & 6 are directed to provide due protection and assistance to the Resolution Professional namely, Mr. Nilesh Sharma. List this matter on the 28th August, 2020.

(L. N. GUPTA)

(L. N. GUPTA) MEMBER (T) -5d -

(CH. MOHD.SHARIEF TARIQ)
MEMBER (J)