

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 11
(IB)-1248(PB)/2018

IN THE MATTER OF:

Shinoj Koshy

.... Applicant/petitioner

v.

M/s. Granite Gate Properties Pvt. Ltd.

.... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code (CIRP)

Order delivered on 18.08.2020

CORAM:

SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the RP

For IA-2576/2020

For the Respondent

Mr. Sumant Batra & Mr. Sanyam Saxena, Advs.

Mr. Abhishek Aggarwal, Adv.

Mr. Varun Pandey, Adv. for R-1

Mr. Ravinder Singh, Adv.

Mr. Ravi Kumar Aggarwal & Mr. Ishaan
Aggarwal, Advs.

Mr. Anush Khanna, Ms. Shreya Singh & Mr.
Nirmal Singh, Advs. for R-4

For IA-3092/2020

Mr. Anil Kr. Hajelay & Mr. Anand Kr. Hajelay,
Advs.

For IA-2643/2020

Mr. Anant A. Pavgi, Adv.

Mr. Shahil Sethi, Adv.

For the Noida Authority

Mr. P. Nagesh & Mr. Rachit Mittal, Advs.

For IA-2481/2020

Mr. Sumit Bindal, Adv.

For IA-2577 & 2479/2020

Mr. Piyush Singh & Mr. Prateek Vats, Advs.

For IA-3244/2020

Mr. Ravinder Singh, Adv.

For IA-3072/2020

Mr. Abhinav Sharma & Ms. Nandini Aishway,
Advs.

ORDER

IA-3244/2020 is hereby **disposed of** with a direction to the Resolution Professional to consider the claim of the Applicant on merit.

IA-3072/2020 filed by Lotus Boulevard Apartment Owners' Association, which has no legal status either as a Creditor or a Debtor under IBC, therefore

it has no locus to represent the creditors as a group. Nobody knows how many of them have grievance which this Association representing. Moreover, under IBC, if a person is a creditor or aggrieved, he/she/it has a right to seek redressal for its grievances. If the creditors have grievances as a class, an arrangement is inbuilt in the statute itself, but an Association shall not file applications, which has no legal status under the Code. Apart from this, there cannot be any scope under IBC to set up representative type grievances. Therefore, this IA-3072/2020 is hereby **dismissed as misconceived** with liberty to the Creditors to seek redressal either independently or jointly.

In IA-3092/2020, the Applicant's side is directed to issue notice to the Respondent's side.

In IA-3255/2020, the Applicant is directed to issue notice to the Respondents as well as to file two page written submissions on the next date of hearing.

List IA-3286/2020 for hearing on **26.08.2020**.

List all the avoidance applications for hearing on **21.09.2020**.

List IA-3255/2020 and other mentioned applications (IA-2481/2020, CA-1338/2019 & IA-764/2020) for hearing on **22.09.2020**.

Sd/-

(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT

Sd/-

(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)