

**NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
BENGALURU BENCH, BENGALURU, HELD ON 03.01.2020

CAUSE LIST - 2

PRESENT: 1. Hon'ble Member (J), Shri Rajeswara Rao Vittanala
2. Hon'ble Member (T), Shri Ashutosh Chandra

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB)No. 92/BB/2018	For hearing IA 684/19 - CIRP	Sec 7 of I&B Code 2016	Sri P Pradeep Kumar and others	India Law LLP Advocates	M/s Gruha Kalyan Housing Projects Pvt Ltd	Shankar B Iyer RP

Shankar B. Iyer
31/1/2020

ADVOCATE FOR PETITIONER/s:

SHANKAR B. IYER (RP),

ADVOCATE FOR RESPONDENT/s: _____

ORDER

Heard Shri Shankar B. Iyer, learned Resolution Professional.

I.A.No.684 of 2019 in C.P.(IB)No.92/BB/2018 is disposed of by separate order

Post the main CP on **31.01.2020.**

B. Iyer

MEMBER(T)

Shankar B. Iyer

MEMBER(J)

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.No.684 of 2019 in
C.P.(IB)No.92/BB/2018
U/s 12(2) of the IBC, 2016

Mr. Shanker B. Iyer

*Resolution Professional of
M/s.Gruha Kalyan Housing Projects Pvt. Ltd.
#32/A, 9th Main,
6th Sector, HSR, Near Empire Hotel,
Bangalore – 560 102.*

Applicant/
Resolution Professional

Date of Order: 3rd January, 2020

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant/RP : Shri Shankar B. Iyer

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. I.A.No.684 of 2019 in C.P.(IB)No.92/BB/2018 is filed by Mr. Shanker B. Iyer, Resolution Professional of M/s.Gruha Kalyan Housing Projects Private Limited (hereinafter referred to as 'Applicant/RP') under Section 12(2) of the IBC, 2016, by inter alia seeking to extend period of CIRP by 90 days (ninety days) from 23.12.2019 etc.
2. Brief facts of the Application, which are relevant to the question, are as follows:

- (1) C.P.(IB)No.92/BB/2018 filed by Mr. P. Pradeep Kumar & Others, under Section 7 of the IBC, 2016, R/w Rule 4 of the I&B (AAA) Rules, 2016, was admitted by this Adjudicating Authority vide order dated June 27th, 2019 by initiating CIRP, appointing Ms.


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Medha Kulkarni as the IRP, imposing moratorium etc. Subsequently, the Adjudicating Authority, vide its order dated September 09th, 2019 allowed the application filed by the existing IRP to change the Resolution Professional of the Corporate Debtor and thus appointed Shri Shankar B. Iyer as the RP in place of Ms. Medha Kulkarni.

- (2) It is stated that various criminal cases are pending against the Corporate Debtor and the investigation is handed over to the Criminal Investigation Department (CID). The CID has conducted the detailed investigation including the forensic audit as well. Subsequently, the Revenue Secretariat had published bearing No.RD 17 GRC 2017 (P-2), Bangalore dated 20.06.2019 and the notification stated that the financial establishments including the Corporate Debtor has acted detrimental to the interest of the depositors with intention to defraud the depositors, therefore, the Government in exercise of the powers conferred under S.3(2) of Karnataka Protection of Depositors in Financial Establishment Act, 2004 and attached the certain properties belonging to Corporate Debtor and all other allied company/entities. Moreover, Revenue Secretariat has withdrawn the notification No.MAG/CR/27/2017-18 dated 05.09.2018, 24.07.2018, MAG/CR/29-2017-18 dated 24.07.2018 relating to the attachment of property issued by the Assistant Commissioner, Bangalore South Division, Bangalore.
- (3) The RP has communicated the admission order dated 27.06.2019 in C.P.(IB)No.92/BB/2018 against the Corporate Debtor i.e., M/s. Gruha Kalyan Housing Projects Private Limited to Assistant Commissioner, Bangalore South regarding the effect of moratorium on all suit decrees, proceedings during the pendency of CIRP. He insisted the direction from the Additional Chief Secretary and Principal Secretary, Revenue Department for the



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same. Subsequently, the RP has communicated vide letter dated 27.08.2019 to Mr. Ravikumar, Additional Chief Secretary and Principal Secretary, Revenue Department, Government of Karnataka, Vidhan Soudha, Bangalore. Further, Mr. Ravikumar, Additional Chief Secretary and Principal Secretary had agreed to communicate the same to the Assistant Commissioner (AC), Bangalore South.

- (4) It is also stated that the RP had vide letter dated Oct 3rd, 2019, written to the under Secretary Government of Karnataka, regarding hand over of title documents of properties of the CD to the undersigned. The RP has made regular follow ups with the Revenue Department- Additional Secretary. Legal cell at Vidhan Soudha in regard to the decision regarding his request. The Revenue Department had informed that the request was returned from Legal Cell and that they cannot take a decision on their request since the matter was sub-judice owing to case filed against the CD with respect to Criminal Proceeding in the Civil/Criminal Court. The Legal cell recommended that the request be put up to Advocate General at High Court. The RP has not yet got an official response post bearing of the Respected Advocate General and expect to get it soon. Since the accounts of the Company were in possession of the CID, the RP had made request to the DGP (CID), Bengaluru for handover of certified accounts/date seized of CD to the undersigned vide letter date 10th Oct, 2019.
- (5) It is further stated that the RP has also made a representation to the Courts at Consumer dispute Redressal Forum vide letter date 21st Nov 2019, about the IBC Court Order and to divert all cases of claims against the CD to undersigned. They have responded favourably and sent internal communication to the Courts in Karnataka as per the confirmation of Shri Raju, Registrar. This is an effort to ensure all claimants follow the IBC route to settle their



dues instead of multiple legal recourses which would negatively impact all the claimants. The claims received to date from the Home Buyers is around Rs.23.35 Cr. From 293 Home Buyers. The Major Assets of the CD are the properties attached with the Revenue Department. Other major asset is claim form the Group Company Dreamz Infra for Rs.18 Cr. which is under scrutiny. In the light of the above facts and complications, the RP has made all efforts from his end to multiple Govt. Authorities to obtain properties, data uniting claims from NCDRF (National Consumer Dispute Redressal forum).

- (6) It is stated that there are no claims received from the Operational Creditors and the Financial Creditors except the Home Buyer Class. Shri Viswanathan S., has appointed as the Authorized Representative for class Homebuyers. During the 2nd CoC meeting conducted via teleconferencing on 22.12.2019 at 10.45 PM IST. It is inter alia decided to seek further extension of time for a period of 90 days beyond 180 days which was going to expire on 23.12.2019. The Authorized Representative, Shri Viswanathan has approved the Resolution.
3. Heard Shri Shankar B. Iyer, learned Resolution Professional. We have carefully perused the pleadings of the party and the extant provisions of the Code.
4. We are convinced with the reasons cited by the RP for extension further period of 90 days from 270 days of the period of CIRP. As stated supra, the COC is consisting of only Home Buyers, and their Authorised Representative has consented for the said proposal. Therefore, we are inclined to allow the instant application in the interest of justice.
5. In the result, I.A. No.684 of 2019 in C.P.(IB)No.92/BB/2018 is hereby allowed by extending further period of 90 days from completion

statutory period of 270 days of the CIRP, which was expired on December 23rd, 2019. The RP is directed to expedite the process of CIRP, without further delay.



(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL



(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

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