

**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 25.02.2020

**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 69/2020 , IA 110/2020 - 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

ADVOCATE FOR PETITIONER/s:

*Shankar B Iyer*  
*RP*

ADVOCATE FOR RESPONDENT/s:

**ORDER**

Heard Mr. Shankar B Iyer Learned Counsel for the RP. I.A No. 69 of 2020 is disposed of vide separate order. Mr. Ashok Triplani, RP in CP (IB) 84/2019 M/s. Dreams Infrastructure India Private Limited to file reply in I.A. No. 110/2020 by duly serving the copy on the other side. Post the case on 13.03.2020.

*[Signature]*  
**MEMBER (T)**

*[Signature]*  
**MEMBER(J)**

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

I.A. No.69 of 2020 in  
C.P. (IB) No.92/BB/2018  
U/s 63 of IBC, Code 2016

**IN THE MATTER OF:**

Mr. Shankar B. Iyer  
Resolution Professional of  
*M/s. GruhaKalyana Housing  
Projects Pvt Limited*  
C203, ShiramSamruddhi,  
Varthur main Road,  
Kundanahalli Gate,  
Bengaluru – 560 066

- Applicant/RP

**Date of Order: 25<sup>th</sup>February 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 : Mr. Shankar B Iyer

**ORDER**

**Per:** Rajeswara Rao Vittanala, Member (J)

1. I.A. No.69 of 2020 in C.P. (IB) No.92/BB/2018 is filed by Mr. Shankar B Iyer, Resolution Professional of M/s. GruhaKalyan Housing Projects Private limited(hereinafter referred to as 'Applicant/Resolution Professional') under Section 63 of the I & B Code, 2016, by inter alia seeking to direct the Principal Secretary Revenue, Government of Karnataka and Assistant Commissioner Bangalore South to hand over the Assets properties, Books of Accounts and records of M/s. GruhaKalyan Housing Projects Private Limited.



2. Heard Shri Shankar B Iyer, Learned Resolution Professional of the Corporate Debtor. We have carefully perused the pleadings of the party and extant provisions of the Code and the Rules made thereunder and the Law on the issue.
3. The RP stated that, he had submitted a representation to the Under Secretary to Government of Karnataka, Revenue Department, Bangalore by interalia requesting to communicate to Assistant Commissioner, Bangalore South and Special Court to hand over title deeds/property documents/other assets of GruhaKalyan in their custody to the Insolvency Resolution Professional/Court appointed office at the earliest to enable him to complete time bound proceedings under the I & B Code, 2016 and make utmost effort in speedy and maximum relief to the home buyer victims of GruhaKalyana.
4. In pursuant to the above representation, the Principal Secretary, Revenue Department, has given a reply dated 31.12.2019 by rejecting the request of the Applicant. The Applicant/RP filed the present application submitting that the rejection of the Principal Secretary, Revenue Department is not in accordance with law and he also relied on the following Judgements:
  - a. *Solidaire India Limited vs Fairgrowth financial Services Pvt Limited (2001) passed by Hon'ble Supreme Court*
  - b. *Surenderkumar Joshi vs REI Agro Limited passed by Hon'ble NCLT Kolkata*
  - c. *Raman Ispat Limited vs Executive Engineer, PashimanchalVidyutVitran Nigam Limited passed by Hon'ble NCLT, Allahabad*
  - d. *Srei Infrastructure Finance Limited vs Sterling SEZ and Infrastructure Limited in CP No. 405/2018 passed by Hon'ble NCLT, Mumbai.*



4. The legal proposition and the contentions, as now submitted, appears were not placed before the Under Secretary, Revenue Department. Therefore, it would be just and appropriate to permit the RP to submit a detailed representation by pointing legal position enclosing all supported documents.
5. In the result, I.A. No. 69 of 2020 in CP (IB) No. 92/BB/2018 is disposed of by permitting the RP to make detailed representation by enclosing all supported documents to Under Secretary, Government of Karnataka so to reconsider the decision already taken, and on the receipt of the representation, the Under Secretary is directed to consider and to take a decision, on such representation as per law, within a period of three weeks from the date of receipt of such representation and communicate the same to Resolution Professional. .



**(ASHUTOSH CHANDRA)  
MEMBER, TECHNICAL**



**(RAJESWARA RAO VITTANALA)  
MEMBER, JUDICIAL**

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