

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

COARM:

(IB)-609(ND)/2017

PRESENT: DR. V.K. SUBBURAJ
HON'BLE MEMBER(T)

MS. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 04.01.2019

NAME OF THE COMPANY: SE Investments Ltd. Vs. Soni Realtors Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present for the Petitioner: Mr. P.N. Aghesh, Mr. Harshal Advocate
Mr. Anuj Kumar Advocate
Ms. Rachita Garg, Advocate
Mr. Anand Mishra, Advocate
Mr. Rakesh Singala, Mr. Rahul Kumar &
Mr. Ishan Dewan Advocates

Present for the Respondent: Mr. Rajeev Kumar, Mr. Suresh Dhawan &
Ms. Geetika Sharma Advocates for RP
Mr. Rahul Malhotra, Advocate for non-applicant
Mr. Atul Aggarwal, Advocate for applicant

ORDER

Various applications are pending before this Bench raising objections in respect of that claims of flat/plot owners which have been rejected and/or only accepted as financial claims. The RP has rejected some claims on grounds of prior allotments or non-production evidencing allotment of a documents.

Since there are several such applications, these cannot be decided by this Bench. It would be expedient to appoint an independent person/Commissioner

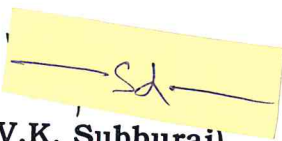
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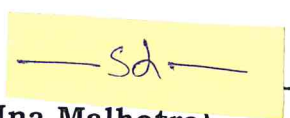
to look into the documents of each applicant and adjudicate who is a prior allottee or a genuine one. The short point for consideration would be whether a claimant falls within the category of a home buyer against genuine and legal allotment or whether he is just a financial claimant having paid money without any valid allotment. All applications received by the RP shall be placed before the commissioner to be adjudicated upon. Every plot owner aggrieved by the decision of the RP may also approach the Ld. Commissioner independently for adjudication of their claim towards specified plot number.

We accordingly appoint Mr. H.S. Sharma, Dist. Judge, Delhi (Retd.), Mob No: 9810384647, to scrutinise the claims and categories them as unit allottees or financial claimants. The Ld. Commissioner would be at liberty to fix his fees for scrutinising each claim. The same shall be paid by each allottee to be included towards the price of the unit/plot/flat or recovered as CIR costs. The RP shall assist the Ld. Commissioner through all sittings.

All applications be filed by the aggrieved persons within 15 days and the decision be given by the Ld. Commissioner in another 15 days.

Copy of the order be given. Dasti


(V.K. Subburaj)
Member (T)


(Ina Malhotra)
Member (J)