

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI, COURT - II**

**Item No. 201**  
**(IB)-299(ND)2019**

**CA/1252/2019 IA/4910/2020 IA/3916/2020 IA/558/2020**

**IN THE MATTER OF:**

**M/s. Banyan Tree Developers Pvt. Ltd. ... Applicant/Petitioner**

**Versus**

**M/s. Parivartan Buildtech Pvt. Ltd. ... Respondent**

**Under Section: 9 of IBC, 2016**

**Order delivered on 04.01.2021**

**CORAM:**

**SHRI. ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (J)**

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

**PRESENT:** Mr. Sanjeev sagar, Mr. Kamal Agarwal and Ms. Nazia Parveen,  
Advocates for the Financial Creditor/applicant  
Kanishk Khetan & Amar Vivek, Adv for the Liquidator

**ORDER**

**CA-1252/2019:** The present Application is filed on behalf of Tomar Construction Company praying therein to direct to RP/Respondent to admit the loan that the Corporate Debtor took from the Applicant for financing its working capital - whether any amount taken for financing of working capital amounts to financial debt or not.

We have heard Ld. Counsel Mr. Sanjeev Sagar for the Applicant and Mr. Kanishk Khetan appearing for the Liquidator. Ld. Counsel appearing for the Applicant submitted that this application has been filed prior to the order passed by this Adjudicating Authority for liquidation of the Corporate Debtor

on the 17<sup>th</sup> August, 2020 and the matter was heard earlier but no order was passed.

Without going into merit of the facts mentioned in the Application, we notice that during pendency of this application, the liquidation order has been passed by this Adjudicating Authority on the 17<sup>th</sup> August, 2020 and the Liquidator has also been appointed.

In the course of hearing, Ld. Counsel appearing for the Applicant also informed us that the Applicant has already filed their claim before the Liquidator which is pending for consideration.

Considering this fact that since the Applicant has already filed their claim before the Liquidator, so, under such circumstances, we think it proper to dispose off this Application by passing the following order:

The Liquidator is directed to consider the claim of the Applicant in accordance with the provision of law without getting prejudiced by the earlier order passed by the Resolution Professional, while considering the claim of the Applicant.

With this, the **present IA stands disposed of.**

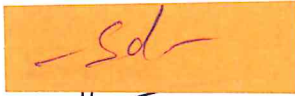
**IA-3916/2020:** Affidavit of service has been filed. Even though notice was duly served on the respondent but none appeared on behalf of the respondent. One more opportunity is given to the respondent to appear and file the reply. List the matter on 10<sup>th</sup> February, 2021.

**IA-4910/2020:** Affidavit of service has been filed. The notice was duly served on the respondent but none appeared on behalf of the respondent. One

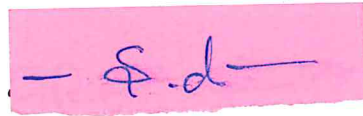
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more opportunity given to the respondent to file their reply. List the matter on 10<sup>th</sup> February, 2021.

**IA-5580/2020:** Issue notice to the Respondent No. 1 to 3 by all modes including on their email id. as well as through the process of the Bench. The Respondent No. 1 to 3 are also directed to furnish the address of the Respondent-4 so that the notice may be issued against the Respondent No.4 also. The Affidavit of service must be filed within a week from today. List the matter on 10<sup>th</sup> February, 2021.



(L. N. GUPTA)  
MEMBER (T)



(ABNI RANJAN KUMAR SINHA)  
MEMBER (J)