

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH, (COURT-II)

Item No. 212
(IB)-266(ND)2019

IA/1577/2020, IA/5173/2020, IA/140/2021, IA/1273/2020

IN THE MATTER OF:

Mr. R. Tarkeshwar Narayan	... Applicant/Petitioner
V/s.	
M/s. Horizon Buildcon Pvt. Ltd.	... Respondent

Under Section: 7 of IBC, 2016

Order delivered on 27.01.2021

CORAM:

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

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

PRESENTS:

Mr. Abhishek Anand Adv. & Mr. Rahul Adlakha Adv. for RP, Mr. Prateek Kushwaha, Adv for Applicants in IA No. 1273/2020, Mr. Aditya Nayyar, Advocate for CoC

ORDER

IA/1273/2020: In the course of hearing Mr. Abhishek Anand, Counsel for the R.P submitted that the claim of Kaveri Sahakri Awas Samiti Ltd, on the basis of which the present applicants have filed the claim, has already been accepted by the RP. Therefore, the RP is directed to bring on the records mentioning the facts regarding the total claims raised by the Kaveri Sahakri Awas Samiti Ltd and its break up. If the Kaveri Sahakri Awas Samiti Ltd has preferred the claim against the allotments made by them, the RP is directed to bring all the facts regarding the allottee-wise claims preferred i.e., name of the allottees against whom the claim/claims has /have been raised and the amount of claim raised by filing a supplementary affidavit.

We also notice that the Applicants have not added Kaveri Sahakri Awas Samiti Ltd as a party in this proceeding though they are claiming their right through them. Therefore, in our considered view, the Kaveri Sahakri Awas Samiti Ltd being a necessary party in this proceedings, the Applicants are well advised to make necessary amendments within ten days from today and add the Kaveri Sahakri Awas Samiti Ltd as a party in this proceedings.

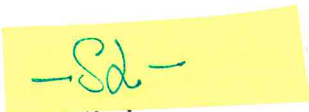
List the matter on 09.02.2021.

IA/1577/2020: None appeared on behalf of the Applicant Kaveri Sahakri Awas Samiti Ltd. We notice that in this application, the applicant has sought a direction against the RP to admit the claim of the applicant as a Financial Creditor. Therefore, we direct the Applicant to file the List of all allottees along with allottee-wise claim preferred claim before the IRP against their share of 36% in the project.

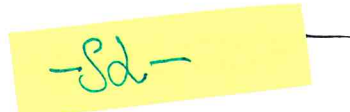
They are directed to bring all these facts by filling a supplementary affidavit within ten days from today. List the matter on 09.02.2021.

IA/140/2021: In course of hearing, we notice that the Applicant has sought a relief against the Indian Overseas Bank but the Applicant has not added them as a party. Therefore, the Applicant is well advised to make necessary amendment in the applications. List the matter on 09.02.2021.

IA/5173/2020: Wrongly listed.



(L.N. GUPTA)
MEMBER (TECHNICAL)



(ABNI RANJAN KUMAR SINHA)
MEMBER (JUDICIAL)