

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

ITEM No. 103
(IB)-448(PB)/2017

IN THE MATTER OF:

Rajendra Kumar Saxena

.... Petitioner/Applicant

v.

Earth Gracia Buildcon Pvt. Ltd.

.... Respondent

Order Under Section 7 of Insolvency & Bankruptcy Code (CIRP)

Order delivered on 06.04.2021

CORAM:

DR. DEEPTI MUKESH

HON'BLE MEMBER (JUDICIAL)

MS. SUMITA PURKAYASTHA

HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the RA

For the RP

Mr. N.S. Ahluwalia & Mr. Adhish Sharma, Advs.

Mr. Anuj Tiwari, Adv.

ORDER

IA-1071/2021

This is an application filed by RP seeking direction against the home buyers-CoC members to contribute funds towards CIRP cost. Ld. Counsel for RP states that out of total 316 home buyers 129 home buyers have not contributed even a single penny till date. We direct those 129 home buyers to contribute ₹ 30,000/- as decided towards the CIRP expenses in three installments being ₹ 10,000/- each to be paid every month without fail. The RP is directed to send the copy of this order and notice to those 129 home buyers to comply the order. The other home buyers, who have partly contributed and remaining amount balance shall pay the same forthwith by the end of this month i.e. 30th April, 2021 to the RP. RP is directed to file a report with respect to contribution of CIRP cost by CoC.

In view of the above, the application stands disposed of.



IA-4802/2020

This is an application filed to take the computation chart dated 02.11.2020 on record with respect to additional claims received from the home buyers verified by the RP after submission of resolution plan. Ld. Counsel states that though the present claims were received after approval of resolution plan, but the said claimants are being taken care in the resolution plan by the resolution applicant. Hence it is required that the said computation chart be taken on record.

Mr. Adhish, Ld. Counsel for the Resolution Applicant states that claimants whose names mentioned in chart through this application is being taken care and additional affidavit by the Resolution Applicant, is filed which is on record. Considering the submissions made we allow the application, take on record the computation chart of the additional claims of the home buyers.

Application is disposed of in terms of above order.

CA-651/2020

This is an application filed by prospective resolution applicant seeking extension of time to submit the resolution plan before CoC. Ld. Counsel for the RP states that CoC already approved plan with 99% voting share and the application for approval or resolution plan is pending before the Hon'ble Principal Bench.

Hence application is dismissed, being without any merit.

List all pending applications for hearing on 11.05.2021.

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(SUMITA PURKAYASTHA)
MEMBER (TECHNICAL)

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(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)