

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

Item No. 306

(IB)-470(ND)/2017

IA/1664/2019 IA/1592/2019 IA/3202/2020 IA/3750/2020

IA/3881/2020 IA/3053/2020 CA/479/2019 IA/2444/2020

New IA/4181/2020

IN THE MATTER OF:

Amit Kumar Malik

... **Applicant/Petitioner**

Versus

M/s. Kindle Developers Pvt. Ltd.

... **Respondent**

Under Section: 7 of IBC, 2016

Order delivered on 12.10.2020

CORAM:

**CH. MOHD. SHARIEF TARIQ,
HON'BLE MEMBER (J)**

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

PRESENTS:

Mr. Prateek Kushwaha, Mr. K.V Sivaraman, Advs. for the R.P, Mr. Vivek Malik, Mr. Vivek Sinha, Mr. Kartikeya Jain, Advs. for the Financial Creditor, Mr. Karan Luthra, Adv. for the R-1 to R-4 in IA/3053/2020& R-6 to R-8 in IA/3202/2020, Mr. Manish Kaushik, Mr. Mishal Johri, Advs for R-7 to r-12 in IA/3053/2020& Ms. Ruchika Gupta, Ms. Mona Sinha, Advs. for R-14 in IA/3750/2020, Mr. Rakesh Kumar, Ms. Preeti Kashyap, Mr. Aditya Nair, Advs. for Home Buyers, Mr. Nakul Mohta, Mr. Gourav Jain, Mr. Ashish Kumar, Advs. For Respondents in CA/479/2019 , Mr. Jaibir Sethi, Adv. For R-7 in IA/3202/2020, Mr. Rajiv Virmani, Mr. Aditya Kapoor, Adv. For R-3 in IA/3202/2020, Mr. Rakesh Kumar, Adv. For Resolution Applicant, Mr. Anurag Ojha, Mr. Shivam Malhotra, Adv. For R-10, 11, & 14 in IA/3202/2020

ORDER

IA/1592/2019: Counsels for the Applicant/Noida Authority, Resolution Professional, Resolution Applicant and the CoC are present.

As seen from the last Order dated 09.09.2020, a specific direction was given to the Noida Authority to place on record the decision of the Noida Authority on the representation of the Corporate Debtor dated 14.06.2016.



However, it has been brought to our notice by the Counsel for the Noida Authority that the Noida Authority has not taken any decision on the said representation.

It is worthwhile to mention that under consideration is a Resolution Plan that has been moved by an Association of allottees/Home Buyers of the Corporate Debtor Company, M/s. Kindle Developers Pvt. Ltd. But the land allotted by the Noida Authority was cancelled on 13.08.2015 due to non-payment of dues.

In this circumstances, it is deemed fit to direct the Noida Authority to take a decision on the said Representation dated 14.06.2016 by giving due opportunity of hearing to the Resolution Professional for M/s. Kindle Developers Pvt. Ltd., who is managing the CIR Process of the CD and the Resolution Applicant, who has proposed a Resolution Plan for revival of the Company and place the decision so taken before this Authority within 4 weeks of this Order.

List the matter on 20th November, 2020.

IA/1664/2019: Counsel for the Resolution Professional is present. Counsel for the Resolution Applicant is present. The I.A. stands adjourned till a decision is received from the Noida Authority on the representation dated 14.06.2016.

List the matter on 20th November, 2020.

IA/3202/2020: Counsel for the Resolution Professional is present. Counsels for the R-1, 3, 6, & 8 are present. Counsels for the Respondent No. 7,10,11,14 & 16 are also present. Counsel for the Resolution Professional is directed to issue fresh notice by all modes to the rest of the Respondents and file proof of service along with an Affidavit on or before the next date of hearing. The Counsel for the Resolution Professional is also directed to provide copy of the Application to the Counsel for the Respondent, who has caused the appearance today.

List the matter on 20th November, 2020.

IA/3750/2020: Counsel for the Resolution Professional is present. Registry is directed to issue notice to the Respondent. Counsel for the Resolution Professional is permitted to serve private notice on the Respondents by all modes and file proof of service along with an Affidavit on or before the next date of hearing.

List the matter on 20th November, 2020.

IA/3881/2020: The Application is wrongly listed.

IA/3053/2020: Counsel for the Resolution Professional is present. Counsel for the Respondents No.1, 2, 3, 4 & 8 are present. No representation on behalf of the other Respondents. Counsel for the RP is directed to issue fresh notice to the Respondents by all modes and file proof of service along with an Affidavit on or before the next date of hearing.

List the matter on 20th November, 2020.

CA/479/2019: Counsels for both the sides are present. Pleadings are complete. The matter is posted for final submission.

List the matter on 20th November, 2020.

IA/2444/2020: Counsel for the Applicant is present. Counsel for Respondent No. 2 is present. No representation on behalf of the other Respondents. The Counsel for the Applicant is permitted to serve private notice to the Respondents and file proof of service along with an Affidavit on or before the next date of hearing.

List the matter on 20th November, 2020.

IA/4181/2020: Counsel for the Applicant is present and prays for listing of I.A. 1561/2019.

The Application is allowed.

Registry is directed to list the I.A. 1561/2019 on 20th November, 2020.

— Sd —

(L. N. GUPTA)
MEMBER (T)

— Sd —

(CH. MOHD.SHARIEF TARIQ)
MEMBER (J)