

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No.115 of 2023
& I.A. No. 460 of 2023**

IN THE MATTER OF:

Acreage Properties Pvt. Ltd.

...Appellant

Versus

Boulevard Projects Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant: Mr. Krishnendu Datta, Sr. Advocate with Ms. Shivambika Sinha and Ms. Ananya Garg, Advocates.

For Respondents: Mr. Gopal Jain, Sr. Advocate with Mr. Prashant Kumar, Advocate for R-1.

ORDER

03.02.2023: This Appeal has been filed by the Appellant against the order of the Adjudicating Authority dated 30.11.2022 passed in CA-1058/2020. The Appellant's case is that Appellant has filed its claim with regard to two units which was accepted by the Resolution Professional and which has already been reflected in the Resolution Plan. It is submitted that ICICI Bank has filed CA-1058/2020 in which Appellant was not impleaded and it was by the impugned order the Appellant was directed to be impleaded in the application. The Appellant is aggrieved by the observation made in last but one paragraph of the impugned order where the Adjudicating Authority has directed the Resolution Professional to keep the two units nos.3201 and 3202, Level – 25, Tower FS-I, in Four Seasons Private Residences, Delhi NCR free from any charge. Learned counsel for the Appellant submits that there

was no occasion to pass the interim order since the claim of the Appellant was already accepted and the acceptance of the claim was not even challenged.

2. Shri Gopal Jain, learned senior counsel appearing for the Resolution Professional submits that the application CA-1058/2020 is already fixed for hearing on Monday i.e. 06.02.2023.

3. In view of the fact that application CA-1058/2020 is still pending which is to be decided after hearing the parties, we see no reason to entertain this Appeal. We only observe that the Adjudicating Authority while deciding CA-1058/2020 shall not be influenced by the interim order passed in the impugned order. With these observations, Appeal is disposed of.

4. In view of the order which is being passed, no notice is being issued to Respondent No.2.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

Archana/nn