

**IN THE NATIONAL COMPANY LAW TRIBUNAL,**  
**NEW DELHI COURT III (VACATION BENCH)**

**Item No.104**  
New IA-2724/2022  
IN  
IB-1348(ND)/2019

**IN THE MATTER OF:**

M/s. Nisus Finance & Investment Managers LLP & Anr .....**APPLICANT/PETITIONER**  
**V/S**  
M/s. Earthcon Universal Infratech Pvt. Ltd. ....**RESPONDENT**

**SECTION**

**U/s 7 of IBC, 2016**

**Order delivered on 17.06.2022**

**CORAM:**

**SHRI BACHU VENKAT BALARAM DAS**  
**MEMBER (JUDICIAL)**

**SHRI NARENDER KUMAR BHOLA**  
**MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Adv Harshvardhan Patil  
For the RP : Mr. Rishabh Jain, Advocate  
For the AR : Mr. Sanjay Khanna, Pragya Bhushan, Swetank Shantunu,  
Adv. Tarandeep Singh and Karandeep Singh Advocates

**ORDER**

**New IA-2724/2022:-**

Learned Counsel for the AR of the Home Buyers is present. This application has been moved on behalf of the Authorized Representative of the Home Buyers who are members in class on the CoC of the Corporate Debtor. Through the present application, the Petitioners are seeking directions to the RP to remove Greater Noida Industrial Development Authority from the position of Financial Creditor on the CoC to that of Operational Creditor. In this connection, the Hon'ble Supreme Court in its judgment dated 17.05.2022 has already held that the said authority namely, Greater Noida Industrial Development Authority is an Operational Creditor and not a Financial Creditor in the matters relating to CIRP under the IBC, 2016.

In view of the law as settled by Hon'ble Supreme Court in the aforesaid judgment, the present application is found to be pre-mature as well as infructuous. Therefore, the same is **dismissed**.



**(BACHU VENKAT BALARAM DAS)**  
**MEMBER (JUDICIAL)**



**(NARENDER KUMAR BHOLA)**  
**MEMBER (TECHNICAL)**