

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

**Company Appeal (AT) (Insolvency) No. 763 of 2022**

**IN THE MATTER OF:**

**Mrs. Tajinder Kaur & Anr.**

**...Appellants**

**Versus**

**Five Core Electronics Ltd.  
Through Resolution Professional & Anr.**

**...Respondents**

**Present:**

**For Appellants: Mr. Varun Mehlawat, Advocate.**

**For Respondents: Mr. Amar Nath, Advocate.**

**ORDER  
(Virtual Mode)**

**15.07.2022:** Heard learned counsel for the Appellant. This Appeal has been filed against the order dated 18.04.2022 by which order the I.A. No. 1150 of 2021 filed by the Appellant has been dismissed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Bench-II. In the I.A. No. 1150 of 2020 Appellant/Applicant has prayed for following reliefs:

*“(a) Allow the present application by directing Mr. Manoj Kulshreshtha, Professional Resolution to hand over peaceful and vacant possession of the property Khasra No. 26/5, Mahinder Singh Park, Village Nangli Sakrawati, Najafgarh, New Delhi to the Applicants and further direct him to pay the rent or charges for occupation of the said premises to the Applicants @ Rs.1,00,000/- per month from the date when the possession of the said premises*

*Cont'd.../*

*was taken from the DRI till the date of handing over of the possession to the Applicants;”*

2. Learned counsel for the Resolution Professionals has also been heard. Learned counsel for the Resolution Professional submits that Appellant could not prove his title to the property by bringing on record any agreement in this regard. He further submits that there is no agreement between the Corporate Debtor and the Appellant so as to grant the prayers as made in the application.

3. Adjudicating Authority has also observed that since there was no agreement between the Corporate Debtor and the applicant, the Adjudicating Authority cannot exercise its powers under Rule 11 of the NCLT Rules, 2016 and IBC to consider the prayer of the Applicant.

4. The present is a case where prayer of the Applicant having not been considered in the IBC, we do not find any error in the order of the Adjudicating Authority rejecting the prayer made in Application I.A. No. 1150 of 2021. We, however, observe that it is open to the Appellant to take such remedy and recourse as permissible under law with regard to his rights. With these observations, the Appeal is dismissed.

**[Justice Ashok Bhushan]  
Chairperson**

**[Justice M. Satyanarayana Murthy]  
Member (Judicial)**

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

*Archana/nn*