

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1211 of 2025

IN THE MATTER OF:

Harjit Singh Ahluwalia & Ors.

...Appellants

Versus

**Udayraj Patwardhan,
RP, Adel Landmarks Ltd. & Anr.**

...Respondents

Present:

For Appellants : Mr. Denson Joseph, Advocate.

For Respondents : Mr. Sanjay Bajaj, Mr. Sarthak Bhandari, Ms. Apoorva Chowdhury, Advocates for R-1.

Mr. Krishnendu Datta, Sr. Advocate with Ms. Mansvi Jain, Mr. Yash Tandon, Advocates for R-2 (SRA).

O R D E R
(Hybrid Mode)

09.10.2025: This appeal has been filed against order passed by the Adjudicating Authority in IA No.65 of 2025 by which the application filed by the Applicant Harjit Singh Ahluwalia and 182 others, total 183 homebuyers, praying for rejection of the resolution plan has been rejected. Out of 183 Applicants, only 93 Applicants have filed this appeal.

2. Learned counsel for the Respondent has raised a preliminary objection that this appeal is not maintainable at the instance of the Appellants since the Resolution Plan has been approved by 96.56% vote share of the creditors in class and out of 183 homebuyers who has filed the application before the Adjudicating Authority 72 person has voted in favour of the plan. Learned counsel for the Respondent has referred to judgment of Hon'ble Supreme

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Court in **(2022) 1 SCC 401, Jaypee Kensington Boulevard Apartments Welfare Association and Ors. vs. NBCC (India) Ltd. & Ors.** and submits that the Applicants/Appellants who are minority homebuyers cannot be allowed to challenge the resolution plan which has been approved by the majority of creditors in class. It is submitted that the Appellants have to sail along with the decision of the majority and cannot be allowed to challenge the plan.

3. Counsel for the Appellant refuting the submissions of learned counsel for the Respondent submits that the jurisdiction is with the Adjudicating Authority to intervene in the resolution plan. He has referred to judgment of Hon'ble supreme court in **Jaypee Kensington** to submit that there is scope of judicial review permitting the Adjudicating Authority and the Adjudicating Authority could have intervened with the resolution plan on application filed by the Appellants. It is further submitted that there was suppression of several facts by the Resolution Professional due to which vote which were given by the homebuyers were not after knowing the full facts. It is submitted that those are the grounds on which this appeal has been filed.

4. We have considered the submissions of learned counsel for the parties and perused the record.

5. When the creditors in a class voted on a resolution plan, as per provisions of the I&B Code, the vote of the majority of the said creditors in a class has to be treated and the minority has to sail with the decision of the majority. In the present case, plan has been approved with 96.56% votes of

creditors in a class and 72 homebuyers out of the applicants themselves have voted in favour of the Resolution Plan. In the present case, we are of the view that the Adjudicating Authority has rightly rejected the application holding that application at the instance of minority homebuyers cannot be entertained. We are of the view that grounds which are sought to be urged by the Appellant cannot be held sufficient grounds to interfere with the order of the Adjudicating Authority. There is no dispute to the proposition that if resolution plan is not compliant with provisions of Section 30(2), it can be interfered with but present is not a case that any non-compliance of Section 30(2) is made out. We, thus, are of the view that following the judgment of Hon'ble Supreme Court in ***Jaypee Kensington***, Appeal has to be dismissed and is hereby dismissed.

[Justice Ashok Bhushan]
Chairperson

[Arun Baroka]
Member (Technical)

Archana/nn