



**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI (COURT-III)**

**IA-459/2023**

**In**

**IB-1348(ND)/2019**

Under Section 60(5) of the Insolvency and Bankruptcy Code, 2016

**IN THE MATTER OF:**

M/s. Nisus Finance & Investment Managers LLP & Anr.

**..... Financial Creditors**

**Versus**

M/s. Earthcon Universal Infratech Pvt. Ltd.

**..... Corporate Debtor**

**AND IN THE MATTER OF:**

M/s. Shiv Gorakh Buildtech Pvt. Ltd.

**.....Applicant**

**Versus**

Mr. Gaurav Katiyar, RP

**.....Respondent**

**Pronounced on: 17.07.2023**

**CORAM:**

**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)**

**SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)**

**PRESENT:-**

For the Applicant	: Mr. Shikhil Suri, Ms. Aphune K. Kezo, Advs in IA No. 4645/2022 Mr. Dhruv Gupta, Adv in IA 287/2021.
For the Ex Director	: Mr. Saifuddin Khan, Mr. Shahid Khan Mohd Arsh Khan, Advocates.
For the RP	: Mr. Rishabh Jain, Advocate Mr. Abhishek Kaushik, Advocate in IA No. 2500/2023.
For the Home Buyers	: Mr. Devanshu Chauhan Advocate.
For the NOIDA	: Mr. UN Singh Advocate.



## **ORDER**

### **PER: BACHU VENKAT BALARAM DAS, MEMBER (JUDICIAL)**

1. This application has been filed by M/s. Shiv Gorakh Buildtech Private Limited, the Applicant herein seeking a direction to the Resolution Professional to make the payment in respect of the work done during the CIRP period i.e. the amount of Rs. 2,27,57,460/- which includes the 2<sup>nd</sup> RA Bill dated 04.02.2020 of the commercial block at CASA ROYAL for an amount of Rs. 50,23,882/-.
2. It is submitted by the Applicant that the Resolution Professional has not given any reasons for rejection of the payment of an amount of Rs. 2,27,57,460/- for the work done during the CIRP period under the supervision of Erstwhile IRP Mr. Jitender Arora.
3. The Resolution Professional has filed a short reply affidavit. The Resolution Professional has admitted that the Applicant had supplied goods and rendered services to the Corporate Debtor during the tenure of Erstwhile IRP namely, Mr. Jitender Arora.
4. It is submitted that the Resolution Professional has verified the records of the Corporate Debtor and found that the Applicant had supplied goods and rendered services (i.e., contractor) of Rs. 50,23,882/- to Corporate Debtor during the CIRP. Therefore, as per Section 5(13)(c) of the IBC, 2016 the supply goods and rendered services (i.e., contractor) of Rs. 35,06,032/- stands qualified as CIRP costs.
5. It is pertinent to mention that the Resolution Professional has collated the claim of Applicant of Rs. 8,34,26,568/- which includes the aforesaid amount of Rs. 50,23,882/-. Therefore, the Resolution Professional be permitted to collate the amount of Rs. 50,23,882/- as CIRP costs and reduce the admitted claim of Applicant by Rs. 50,23,882/-.
6. Mr. Rishabh Jain, Learned Counsel appearing for the Resolution Professional submitted that after collation of the claim of the Applicant, the Resolution Professional has permitted Rs. 50,23,882/- as CIRP cost. Learned Counsel appearing for the Applicant has submitted that the Applicant is agreeable to receive the said amount.



7. In view of the submissions made by the Learned Counsel appearing for the parties, we direct that the Resolution Professional shall pay an amount of Rs. 50,23,882/- to the Applicant forthwith.
8. The Resolution Professional is directed to file a compliance affidavit within two weeks from the pronouncement of this Order.  
The Registry is directed to accept the compliance affidavit.  
IA **allowed** and **disposed of**.

Sd/-

**(ATUL CHATURVEDI)**  
**MEMBER (TECHNICAL)**

Sd/-

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