

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

Company Appeal (AT) (Insolvency) No.171 of 2023

IN THE MATTER OF:

Rajeev Behl **...Appellant**

Versus

Universal Buildwell Pvt. Ltd. **...Respondent**

Present:

**For Appellant: Mr. Rahul Mukherjee and Mr. Thakur Ankit Singh,
Advocates.**

**For Respondent: Mr. Swapnil Gupta and Ms. Sabhya Jain,
Advocates for RP.**

ORDER

14.03.2023: Heard learned counsel for the Appellant as well as learned counsel appearing for the Respondent. This Appeal has been filed against order dated 15.12.2022 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench (Court-II) in I.A. No. 1729/2021. The I.A. No. 1729/2021 was filed by the Appellant making following prayers:

“PRAYER

In the facts and circumstances stated above, the Applicant above named most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a) *Pass an order directing the Resolution Professional to admit the Applicant's claim amounting to Rs.1,24,00,000/- (Rupees One*

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Crore Twenty-Four Lac only) on account of his ownership of 1/5th of the subject property;

- b) Pass an order directing the Respondent/Corporate Debtor to pay any additional compensation for the loss suffered due to the actions and inaction of the Respondent/Corporate Debtor;*
- c) Pass any other as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.”*

2. The said I.A. alongwith several other I.As was heard. While considering the similar I.A. No. 1217/2021, a statement was made by learned counsel for the Resolution Professional that the Resolution Professional is ready to examine the claims of the applicants on merit. In terms of the statement, the applications were referred to the Resolution Professional for needful examination on merit and disposed of. However, I.A. No. 1729/2021 was taken alongwith I.A. No. 1430/2019 and has been rejected.

3. Learned counsel for the Resolution Professional fairly submitted that the application I.A. No. 1729/2021 ought to have been disposed of alongwith I.A. No. 1217/2021 and has wrongly been dismissed alongwith I.A. No. 1430/2019.

4. When we look into the prayers made in the application, it is clear that the prayer which was made in I.A. No. 1729/2021 was similar to those made in I.A. No. 1217/2021, hence, this application I.A. No. 1729/2021 was

required to be disposed of by the same order i.e. referring the application to the Resolution Professional for needful examination on merit and disposal within 15 days subject to proviso to Regulation 12 of IBBI Resolution Process for Corporate Persons Regulations, 2016,

5. In view of the above, we dispose of this appeal by setting aside the order dismissing I.A. No. 1729/2021 and disposing the I.A. No. 1729/2021 in terms of order passed in I.A. No. 1217/2021. The order accordingly.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn