

**NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH**

**IA. No. 1429/PB/2020, IA. No. 3311/PB/2022**

**IN**

**Company Petition No. (IB)-77(ALD)/2017**

**IN THE MATTER OF:**

**IDBI BANK LIMITED**

**... Applicant/Financial Creditor**

**Versus**

**JAYPEE INFRATECH LIMITED**

**... Respondent/Corporate Debtor**

**AND IN THE MATTER OF IA. No. 1429/PB/2020**

(SECTION: 60(5) of IBC, 2016)

**Chitralee Goswami**

R/o 4148 D-3/4

Vasant Kunj,

New Delhi – 110070

**... Applicant**

**Versus**

**Mr. Anuj Jain**

IRP for M/s. Jaypee Infratech Limited

Sector 128, District

Gautam Budh Nagar,

Noida, Uttar Pradesh

**... Respondent**

**AND IN THE MATTER OF IA. No. 3311/PB/2022**

(SECTION: 60(5) of IBC, 2016)

**Indranil Chaterjee**

S/o. Sh. Baan Bihari Chaterjee

R/o. Flat No. 2003, Kalypso Court 16,

Sector 128, Gautam Buddha Nagar, U.P.

**... Applicant**

**Versus**

**1. Mr. Anuj Jain**

IRP for M/s. Jaypee Infratech Limited

Sector 128, District

Gautam Budh Nagar,

Noida, Uttar Pradesh

**... Respondent No. 1**

**2. M/s Jaypee Infratech Limited**

Sector 128, Distt. Gautam Budh Nagar,

Noida, Uttar Pradesh

**... Respondent No. 2**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR, HON'BLE PRESIDENT**

**SHRI. L. N. GUPTA, HON'BLE MEMBER (TECHNICAL)**

**PRESENTS:**

**For the Applicants** : Ms. Chitralee Goswami  
: Adv. Saurabh Singh Chauhan  
**For the IRP** : Adv. Sumant Batra, Adv. Sanjay Bhatt

**ORDER**

This **IA. No. 1429 of 2020** has been preferred by Ms. Chitralee Goswami, seeking the following reliefs:

- I. pass suitable orders in favour of aggrieved KNG2 flat buyers, ordering JAL/JIL/Jaypee/RP, as a going concern, to;*
- a) continue with the present practice of adjusting the delay compensation with the demands raised on us in the OOPs and the registration charges, issued revised OOPs allowing additional time to register and recognize the balance amounts in liabilities and*
- b) to facilitate registration and complete scope of work in our flats irrespective of the outcome of the case at honourable NCLT.*
- II. pass suitable orders which assure the aggrieved KNG2 flat buyers that money deposited in past 10 years with JIL/JAL/Jaypee will not be a loss to us in any which manner and we will get out flats registered without additional payment, irrespective of the outcome of the insolvency proceedings in NCLT;*
- III. pass suitable order for the aggrieved KNG2 flat buyers that the funds required to complete the flats is set aside specifically for completion of the scope of work of the aggrieved KNG2 flat buyers flats*

*before releasing funds to JAL/JIL/Jaypee/NBCC or any other agency including lending Banks.*

*IV. pass any other suitable orders to protect the interest of the aggrieved KNG2 flats buyers as honourable NCLT may deem fit.”*

2. The second **I.A. No. 3311 of 2022** has been preferred by Ms. Indranil Chaterjee, seeking the following reliefs:

- “(a) Direct the IRP to issue a fresh lawful Offer of Possession Letter for the Unit No. AMN0070402 in Group Housing Project, Aman, Sector 151, Noida, U.P., within the contours of law and in compliance with law laid down in the CC No. 285/2018 Pawan Gupta Versus Experion Developers Pvt. Ltd., r/w Real Estate (Regulation and Development) Act, 2016, Uttar Pradesh Real Estate (Regulation and Development) Rules, 2016 and further r/w Uttar Pradesh Real Estate (Regulation and Development) (Agreement For Sale/Lease) Rules, 2018; and*
- (b) Quash the unlawfully levied Penalty, Holding and Maintenance Charges and other unlawful charges levied on the applicant’s unfurnished apartment, which the promoter company has further denied to furnish; and*
- (c) Pass such further order(s) as may deem fit and proper in the facts and circumstances of the case.”*

3. Since both these IAs are not in the nature of objection to the Resolution Plan under consideration in (IB)-77/ALD/2017 therefore, they are being adjudicated separately vide this order.

4. This Adjudicating Authority has passed orders separately in the I.A. No. 2836/PB/2021 approving the Resolution Plan of the Corporate Debtor Jaypee Infratech Limited (JIL). Therefore, we direct the SRA (Consortium of M/s Suraksha Realty Limited and M/s Lakshdeep Investments and

Finance Private Limited) of the Corporate Debtor Jaypee Infratech Limited (JIL) to look into the prayers made by the Applicants herein in accordance with law and the provisions made under the Resolution Plan. We also direct the Ex-IRP, Mr. Anuj Jain to extend necessary assistant to the SRA address the grievances of Applicants herein. We direct the Applicants to approach the SRA within a period of 3 weeks from passing of this order. The SRA shall dispose of the grievance within a period of 3 weeks thereafter.

5. **Both the IA. No. 1429/PB/2020 and IA. No. 3311/PB/2022 are disposed of in terms of the aforesaid directions.**

**Sd/-**

**(RAMALINGAM SUDHAKAR)  
PRESIDENT**

**Sd/-**

**(L. N. GUPTA)  
MEMBER (TECHNICAL)**