

IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI COURT III

Item No. 302

IA-5757/2022 IA-2504/2021 IA/4766/2021 IA-4210/2023 IA-6548/2023
New IA-6657/2023

In

(IB)- 2130(ND)2019

IN THE MATTER OF:

M/s. Dynacon Projects Pvt. Ltd.

.....APPLICANT/PETITIONER

Vs

M/s. Today Homes & Infrastructure Pvt. Ltd.

.....RESPONDENT

SECTION

U/s 9 of IBC, 2016

Order delivered on 22.12.2023

CORAM:

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

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Abhirup Das Gupta, Mr. Ishan Duggal, Ms. Ruchi Goyal,
Advocates in IA-6657/2023.

For the RP : Mr. Kanishk Khetan, Advocate.

ORDER

New IA-6657/2023:-

This application has been filed seeking of setting aside the order dated 13.09.2023 by which the Respondent No. 6 in IA-3679/2021 was set ex parte.

We have heard the submissions made by the Learned Counsel appearing for the Applicant and the Learned Counsel appearing for the Resolution Professional. We deem it appropriate to set aside the order dated 13.09.2023. The reply filed by the Respondent No. 6 in IA-3679/2021 is taken on record.

IA allowed.

IA-6548/2023:-

This application has been filed seeking the following prayers:-

1. *"Direct the Resolution Professional to admit the claim of the Applicant in the CIRP of the Corporate Debtor to the extent of INR 28.17 lacs.*

2. *Direct the Resolution Professional to provide the consequential rights to the Applicant, including without limitation, voting rights in the subsequent meetings of the Committee of Creditors and the right to receive the approved Resolution Plan.*
3. *Direct the Resolution Professional to ensure provision of equitable treatment to the Applicant with all other creditors in the class of homebuyers of the Corporate Debtor.”*

Vide order dated 23.08.2023 passed by the Tribunal in IA-1161/2022 and batch dealing with similar facts. This Tribunal has already passed an order which is as follows:-

“These applications have been filed against the rejection of the claim on the ground of delay in submission of the claim. Ld. Counsel appearing for the RP has stated that an affidavit has been filed in IA-4766/2021 which is an application seeking approval of the Resolution Plan, stating that:-

"In reference to the observation made by Hon'ble NCLAT as per your trailing mail in regards to the homebuyers who have not filed their claims/have filed claims belatedly, we undertake that the Resolution applicant shall consider their claims and treat them at par with other homebuyers who had filed their claims in time, and provide them with their respective units under the Resolution Plan subject to the direction of the Hon'ble NCLT/NCLAT to consider their claims, upon verification of their documents/proof of claims under IBC.”

*Having perused the said affidavit and in view of the statement made by the RP in court, the RP is directed to consider the claims filed by the Applicants and treat the Applicants at par with other creditors subject to verification. All Interlocutory Applications are **disposed of** with the above directions.”*

In the light of the order dated 23.08.2023 in IA-1161/2022 and batch passed by this Tribunal, the present application is **disposed of**.

IA-4210/2023:-

None appears for the Applicant.

List the matter on **01.01.2024**.

IA/4766/2021:-

List on **01.01.2024**.

IA-2504/2021:-

List on **01.01.2024**.

In the meantime, the Applicant shall ensure that the written submissions are placed on record.

IA-5757/2022:-

List on **01.01.2024** for arguments.

Sd/-

(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-

(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)

Shammy
22.12.2023