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**IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 3164/2021 & CM APPL. 9606/2021**

**SURJENDU SEKHAR KULIA & ANR. .... Petitioners**

Through: Mr. Piyush Singh & Mr. Aditya  
Parolia & Mr. Prateek Vats,  
Advocates.

versus

**THE NATIONAL COMPANY LAW TRIBUNAL  
& ORS. .... Respondents**

Through: Mr. Anurag Ahluwalia, CGSC with  
Mr. Abhigyan Siddhant, Advocates for  
R-1&2

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

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**09.03.2021**

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. The present petition has been filed seeking early adjudication of the Petitioners' application being I.A. 2479/2020 in C.P. (IB) No.1248/(PB)2018 in a time bound manner.
3. The brief background is that the Petitioners are home buyers in Respondent No.3's housing project. Respondent No.3 is undergoing CIRP proceedings before the NCLT. The Petitioners are aggrieved by the fact that they have not received possession of their flat, despite moving an application before the NCLT and the matter has been adjourned from time to time. Other buyers are stated to have been given possession.
4. Ld. counsel for the Petitioner, Mr. Piyush Singh submits that the matter was in fact listed today before the NCLT and has been adjourned. The

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grievance in the present petition is that despite having been entitled to relief, the Petitioners are not getting possession of the property.

5. Considering that the NCLT also has a large quantum of work and the fact that the Petitioners' application under Section 60(5) of the IBC has been pending, the Petitioners are permitted to approach the NCLT. The Petitioners may file a specific application under Section 64 of the IBC, which shall be considered by the NCLT and expeditious disposal be made of the application, preferably within a period of three months.

6. This order is passed in the peculiar facts and circumstances of this case, inasmuch as, the NCLT would have complete power to regulate its own procedure and priority of matters to be taken up, considering the large quantum of work pending before it.

7. With these observations, petition is disposed of. All pending applications are also disposed of.

**PRATHIBA M. SINGH, J**

**MARCH 9, 2021**

*Rahul/Sp*