

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**BENGALURU BENCH**

**ITEM No.23**  
**I.A. Nos.397, 518 of 2020, 41,**  
**69, 98, 168, 169 of 2021, 523 of**  
**2022 & 121, 134, 142 of 2023 in**  
**C.P. (IB)No.389/BB/2019**

**IN THE MATTER OF:**

M/s. Skylark Ithaca Buyers Welfare Association ... Petitioner  
v.  
M/s. Skylark Mansions Pvt. Ltd. ... Respondent

**Order under Section 7 of Insolvency & Bankruptcy Code, 2016**

**Order delivered on: 28.02.2023**

**CORAM:**

**JUSTICE (RETD.) T. KRISHNAVALLI**  
**HON'BLE MEMBER (JUDICIAL)**

**SH. MANOJ KUMAR DUBEY**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant in I.A.  
Nos.168 & 169 of 2021 : Shri Sarah Abraham

For the Applicant in I.A.  
No.142 of 2023 : Shri Vedanth Chugh

For the Directors in I.A.  
Nos.397/2020 & 41/2021 : Shri C.K. Nandakumar (Sr. Adv.) with  
Ms. Amrita Jain

For the R-4 & R-5 in I.A.  
No.41 of 2021 : Ms. Ayushi Goyal

Proxy Counsel for the RP : Ms. P. Chitra Nirmala

**ORDER**

**I.A. No.397 of 2020**

1. Heard the learned Counsel for the Parties.
2. The present Application has been filed by Resolution Professional of M/s. Skylark Mansions Pvt. Ltd. for seeking a direction to the Respondents being the Promoters/Ex Management/Ex Directors of the Corporate Debtor to extend full co-operation and provide all necessary information as and when required by the Applicant, in order to fulfil the duties and responsibilities as Applicant.
3. The learned Senior Counsel for Respondent submits that the instant Application is an old matter pending from 2020 and the Application does not survive on account of certain developments that were occurred during the pendency of this Application and since an Application bearing I.A. No.142 of 2023 has been filed by the Homebuyers seeking a direction to the RP to convene a COC meeting to consider and put to vote the MoU dated 13<sup>th</sup> December 2022, the instant I.A. becomes infructuous.
4. **In view of the above, I.A. No.397 of 2020 is disposed as infructuous.**

#### **I.A. No.168 of 2021**

1. Heard the learned Counsel for the Parties.
2. The present Application has been filed by M/s. Larsen & Toubro Ltd. for seeking to declare the Resolution Plan proposed by the 04<sup>th</sup> Respondent/Resolution Applicant approved by the CoC during the 10<sup>th</sup> meeting of the CoC held on 17.02.2021, is not in accordance with the IBC, 2016 and the IBBI (Insolvency Resolution Process for Corporate Persons), Regulations 2016.
3. This Adjudicating Authority vide order dated 21<sup>st</sup> April, 2021 passed in I.A. No.63 of 2021 has already rejected the Resolution Plan approved by the CoC.
4. **In view of the above, I.A. No. 168 of 2021 is disposed of as infructuous.**

#### **I.A. No.142 of 2023**

1. Heard the learned Counsel for the Parties.
2. The present Application has been filed by Skylark Ithaca Buyers Welfare Association for seeking to direct the Respondent/RP to convene a COC meeting to consider and put to vote the Memorandum of Understanding dated 13 December 2022 etc.
3. In the circumstances, and for the reasons mentioned in the Application, the Bench hereby directing the Respondent/RP to include the MoU dated 13.12.2022 in the agenda of the meeting of the COC to be held on 06.03.2023 for consideration and voting by the CoC.
4. **Accordingly, I.A. No.142 of 2023 is disposed of.**

**C.P. (IB) No.389/BB/2019**

1. Heard the learned Counsel for the Parties.
2. Learned Proxy Counsel for the RP submits that the matter is still pending before the Hon'ble NCLAT.
3. Respective Counsels in the other listed I.A.s are directed to complete their pleadings, if any, well before the next date of hearing, after service on the other side.
4. List the C.P. along with other I.A.s on **29.03.2023**.

**Sd/-**  
**(MANOJ KUMAR DUBEY)**  
**MEMBER (TECHNICAL)**

Puja

**Sd/-**  
**(T. KRISHNAVALLI)**  
**MEMBER (JUDICIAL)**