

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

**Comp. App. (AT) (Ins) No. 406 of 2022 &**  
**I.A. No. 4574, 4575, 4712 of 2022,**  
**634, 2763, 3330, 3331, 4316, 3619, 4306,**  
**4973 of 2023, 2981 of 2024**

**IN THE MATTER OF:**

**Ram Kishor Arora**  
**Suspended Director of Supertech Ltd.**

**...Appellants**

**Versus**

**Union Bank of India & Anr.**

**...Respondents**

**Present:**

**For Appellant**

: Mr. Abhijeet Sinha, Sr. Advocate with Mr. Siddharth Bhatli, Ms. Lashita Dhingra, Ms. Apurva Prawin, Ms. Khyati Jain, Mr. Diwakar Lohia, Mr. Bhupendra Premi, Advocates.

**For Respondents**

: Mr. Alok Kumar and Mr. Kunal Arora, Counsel for R1.  
Mr. Nakul Dewan, Sr. Advocate with Mr. Somdutta Bhattacharya, Ms. Kiran Sharma, Ms. Himani Chhabra, Mr. Ashish Mukhi, Advocates for IRP of Supertech.  
Ms. Vibha Makhija Sr. Advocate with Mr. Kushal Bansal, Advocates.  
Mr. Vaibhav Jindal and Mr. Amit Singh, Residents of Eco-Village-II.  
Mr. Rohan Thawani, And Mr. Praful Pratap Singh, Counsel in IA- 3330 & 3331 Of 2023.  
Mr. Tanveer Oberoi, Advocate in IA- 4316 Of 2023.  
Mr. Sumesh Dhawan, Ms. Vatsala Kak, Mr. Shaurya Shyam, Mr. Sagar Thakkar and Mr. Raghav Demla, Advocates for Indiabulls.  
Ms. Dipti Singh and Mr. Martand Narayan Shukla, Advocates for Upcounty Homebuyers Association.  
Adv. Karamver and Adv. Sulakshana Yadav, Advcoates for Eco Village-II & Hilltown Project.  
Mr. Shaurya Krishna, Mr. Shubham Niwas and Mr. Amit Garg, Advocates in IA No. 4713 of 2022.  
Mr. Sahil Sethi, Mr. Samriddh Bindal and Vikash Kumar, Advocate in IA- 4306 of 2023.  
Mr. Sumit Goswami, Advocate.

Mr. Aditya Parolia, Piyush Singh, Vivek Kumar, Jayant Upadhyay, Raveena Paniker, Advocates for Homebuyers.

Mr. Venamra Mahaseth, Mr. Bhaskar Tripathi, Ms. Varuna Thakur, Advocates for Hilltown Homebuyers.

Mr. Pawan Shree Agrawal, Advocates.

**ORDER**  
**(Hybrid Mode)**

**08.07.2024:**      **IA No. 4574 & 4575 of 2022**

This application has been filed by the Upcountry Buyers Association seeking prayer for Impleadment/ Intervention. Clarification has also been sought of the order dated 10.06.2022 with respect to whether moratorium is extending to the project called 'Supertech Upcountry' or not.

Further prayer has been made in the application to keep the project name as Supertech Upcountry out of the CIRP of Corporate Debtor.

Learned counsel for IRP replying the submissions submit that this Tribunal vide its order dated 12.09.2022 passed in this appeal has already taken the view that CIRP has not been stayed and moratorium is continuing.

We permit the Upcountry Buyers Association to intervene in the appeal. We further clarify that in view of the express order dated 12.09.2022 where following had been directed :-

*"The CIRP Order has not been stayed. The Moratorium is continuing."*

Hence, no clarification is required.

Applications are disposed of accordingly.

**IA No. 4712 of 2022**

This application is filed by Ms. Veena Kumar claiming to Home Buyer their prayers made in the IA similar to those as has been noticed in IA Nos. 4574 of 2022 & 4575 of 2022.

This application is disposed of in terms of order passed in IA- 4574 of 2022 & 4575 of 2022.

**IA No. 2763 of 2023**

This application relates to Eco Village-II. Learned counsel for the IRP submits that issue pertaining to Eco Village-II is pending in the Civil Appeal before Hon'ble Supreme Court.

Hence, in the application no order is required at this stage.

**IA No. 3330 & 3331 of 2023**

This application has been filed seeking a direction to implead the applicant as respondent and further to clarify that order dated 10.06.2022 is restricted to CIRP of the Corporate Debtor only to Eco-Village-II. We have already passed an order while deciding IA No. 4574 of 2022 that the CIRP has not been stayed and moratorium is still continuing. The said order clarifies the situation that moratorium is not confined only to Eco-Village-II.

Applications are disposed of accordingly.

**IA No. 4316 of 2023**

This is an application filed by Mr. Nikhil Behl & Anr seeking impleadment and further directions to handing over the possession of unit bearing Flat No. Orchid 1304, 12<sup>th</sup> Floor in the project Supertech Czar Suites.

Learned Counsel for the IRP in the consolidated Reply has made a statement that the unit of the appellant have been cancelled by the Corporate Debtor which statement is refuted by the counsel for the appellant. He submits that he has never received any communication for cancellation of the unit. IRP seeks time to bring relevant material on the record regarding the unit of the appellant.

Let Additional- Affidavit be filed within two weeks' bring relevant material on record with regard to unit of the appellant. Appellant is entitled to intervene in the matter.

**IA No. 3619 of 2023**

This application has been filed by Sh. Sureel Singh and Ors. seeking a direction to execute sale deed/ sub-lease deed in favour the applicant in relation to respective flats. Applicant case is that they have been given possession by the IRP of respective flats but Sale deed/ sub-lease has not been executed.

Learned counsel for the IRP submits that occupancy has not yet been received, there are several other requirements including fire safety. Issue regarding execution of sub-lease and sale deed shall be undertaken at the time of project-wise resolution.

**IA No. 4306 of 2023**

This application filed by Capetown Association of Apartment Owners. The learned counsel for the applicant submits with regard to maintenance of the units there is issue since the maintenance is being carried out by the entity who was engaged by the promoters and IRP has not taken its responsibility of either changing the agency of maintenance or appointing some new agency or handing over to Association of Apartment Owners.

Learned counsel for the IRP seeks time to obtain instructions. As prayed, two weeks' time are allowed to obtain instructions.

Learned counsel for the applicant submits that with regard to several units there are OC already issued by Noida Authority however, the sub-lease deed are not been executed. IRP submits that Noida Authority has also to be heard before any directions are issued for execution of lease deed.

Let Noida Authority be impleaded as one of the respondent in I.A. No. 4306 of 2023.

Issue notice to the Noida Authority, learned counsel for the appellant may also serve the copy of the application and order to the Noida Authority personally within the period of one week from today.

List this application on the next date along with other applications.

Noida Authority may also give their response with regard to claim of the appellant with regard to water and electricity connection/ water electricity charges.

List the application after three weeks.

**IA No. 4973 of 2023**

This is an application filed by Eco-Village II Welfare Association. Learned Counsel for IRP submits that issue pertaining to Eco-Village II Welfare Association is pending in the Civil Appeal before the Hon'ble Supreme Court and hence no orders are required at his stage in IA No. 4973 of 2023.

**IA No. 634 of 2023**

This IA has been filed by Sh. Chandrakant Tyagi seeking direction to compliance of order dated 12.03.2020 passed by Ld. Delhi District Consumer Forum and further provide possession of the studio apartments.

Ld. Counsel for IRP submits that moratorium being continuing no direction as prayed can be issued and further the possession has to await the project-wise resolution. By recording the aforesaid statement of ld. Counsel of the IRP application is disposed of accordingly.

**IA No. 2981 of 2024**

This application is filed by Romano Welfare Association. Ld. Counsel for both the parties have agreed that this application be taken up at the project-wise resolution.

Let the application be listed on the date when Romano Welfare Association resolution comes for consideration.

**I.A. Filing No. 9910110/05061/2024**

This application has been filed by Shri G.S. Verma and Ors. Let the application be numbered and listed again on the next date when the other applications are listed.

**New I.A.**

The Supertech Hilltown Homebuyers Welfare has also filed an application. Let the application be heard on the date when Supertech Hilltown comes for consideration.

At this stage, learned counsel submitted that as per earlier order objections in different projects have been filed by means of an IA which is not accepted by the Registry, since the order was passed for filing of the objections only. We clarify that any objections pertaining to project whether filed as I.A. may also be numbered and shall be considered when the project-wise resolution comes for consideration.

**I.A. No. 4579 & 4580 of 2024**

This application has been filed by applicant Mr. Sanjeev Trikha seeking clarification as to whether the insolvency proceeding over the project 34, Pavellion at Sector- 34, Noida as per the order dated 10.06.2024, continues the learned counsel for the IRP seeks time to obtain instructions. Let him obtain instructions. List this application after two weeks' along with other IAs.

Attorney General Shri Venkat Ramani has appeared and submitted that he has received instructions that NBCC is interested in undertaking the

projects subject to due diligence and lenders of the Supertech are also not averted to the proposal of NBCC.

Learned counsel for the IRP submit that IRP has not yet received any proposal. IRP and appellant may verify. If any, such proposal from NBCC is received the same be placed before the Court for consideration.

Mr. Alok Kumar, Ld. Counsel for Union Bank of India submits that the NBCC was earlier contacted by the IRP with regard to Eco Village-II and NBCC has now informed the lenders that they may take all the projects provided they are given access to the details of the projects and other data.

Ld. Counsel for the IRP submits that in event the lenders make a request with regard to relevant details the same shall be shared by the IRP.

Let NBCC make an appropriate request to the IRP.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Barun Mitra]**  
**Member (Technical)**

*harleen/NN*