

DECLARATION

DIARY No. 5007 of 2025

All defects have been duly cured whatever has been added/deleted/modified in the Appeal / Petition is the result of curing of defects and nothing else. Except for curing the defects, nothing has been done. Paper books are complete in all respects.

Place: New Delhi

Re-Filed on: 15.02.2025

Filed by:



Mr. Shubham Jain

Advocate-On-Record (Code: 3449)

For the Appellant

29, G.F., Kailash Hills, New Delhi - 110065.

Contact: +91 8750021607

Email: **Shubham.Jain@Utkrishthalaw.com**

ANNEXURE 'D'

PROPOSED ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)

1. SLP (C) has been filed in Form No. 28 with certificate. *NA*
2. The Petition is as per the provisions of Order XV Rule 1. *NA*
3. The papers of SLP have been arranged as per Order XXI, Rule (3)(1)(f). *NA*
4. Brief list of dates/events has been filed. *NA*
5. Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index. *YES*
6. Proper and required number of paper books (1+1) have been filed. *YES*
7. The particulars of the impugned judgment passed by the court(s) below are uniformly written in all the documents. *YES*
8. In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate. *NA*
9. The Annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates. *YES*
10. The annexures referred to in the petition are filed and indexed separately and not marked collectively. *YES*
11. In SLP against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed. *NA*
12. The complete listing proforma has been filled in, signed and included in the paper books. *YES*
13. In a petition (PIL) filed under clause (d) of Rule 12(1) Order XXXVIII, the petitioner has disclosed:
 - (a) his full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card number, if any: *NA*
 - (b) the facts constituting the cause of action; *NA*

- (c) the nature of injury caused or likely to be caused to the public; NA
(d) the nature and extent of personal interest, if any, of the petitioner(s); NA
(e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation. NA
14. In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner/ appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court. NA
15.
21. All the paperbooks to be filed after curing the defects shall be in order. YES

I hereby declare that I have personally verified the petition and its contents and it is in conformity with the Supreme Court Rules, 2013. I certify that the above requirements of this Check List have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.

SHUBHAM JAIN (3449)
Name and Code of the Advocate on-record.

Signature

Contact Number 8750021607

Date: 15/02/25

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A

**IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)
CIVIL APPEAL NO. OF 2025**

IN THE MATTER OF:-

APEX HEIGHTS PVT. LTD.

...APPELLANT

Versus

RAM KISHOR ARORA AND ANR.

...RESPONDENTS

OFFICE REPORT ON LIMITATION

1. The Petition is/ are within time.
2. The Petition is barred by time and there is a delay of _____ days in filing the same against order dated 12.12.2024 and petition for condonation of _____ days delay has been filed.
3. There is delay of _____ days in refilling the petition and petition for condonation of _____ days delay in refilling has been filed.

NEW DELHI

DATED:-

SECTION OFFICER

A-1

PROFORMA FOR FIRST LISTING

SECTION-

The case pertains to (Please tick/check the correct box):

- Central Act: (Title) **Insolvency and Bankruptcy Code, 2016**
- Section: **Section 62**
- Central Rule: (Title) **Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016**
- Rule No (s): **Rule 8**
- State Act (Title): **N.A.**
- Section: **N.A.**
- State Rule: (Title) **N.A.**
- Rule No (s): **N.A.**

- Impugned Interim Order: **N.A.**
- Impugned final Order/Decree: **12.12.2024**
- High Court: **N.A.**
- Names of Judges: **Hon'ble Mr. Justice Ashok Bhushan
Hon'ble Mr. Justice Barun Mitra**
- Tribunal/Authority: **Hon'ble National Company Law Appellate Tribunal, New Delhi.**

1. Nature of matter: **Civil**
2. (a) Petitioner/appellant No.1: **Apex Heights Pvt Ltd.**
Through its Authorized Representative: **Mr. Rajinder Singh Sachdeva S/o Satnam Singh Sachdeva Resident of A/150, Surya Nagar, Ghaziabad-201011**
(b) e-mail ID: **N.A.**
(c) Mobile phone number: **N.A.**
3. (a) Respondent No.1: **Ram Kishor Arora S/o Late Sh.Laxman Singh Arora Registered Office at 1114, Hemkunt Chambers, 89, Nehru Place, New Delhi-110019**
(b) e-mail ID: **Not Known**
(c) Mobile phone number: **Not Known**
(d) Respondent No 2: **Mr. Hitesh Goel R/o 21st-25th floor, E square Plot No. C2, Sector-96 Noida, Gautam buddh Nagar, Uttar Pradesh-201303**

A-2

4. (a) Main category classification: **15 – Appeal against orders of Statutory Bodies**
(b) Sub classification: **1503 – Tribunals**
5. Not to be listed before: **N.A.**
6. (a) Similar disposed of matter
With citation, if any, & case details: **N.A.**

(b) Similar pending matter with case Details: **Yamuna Expressway Industrial Development Authority v NBCC (India), bearing Civil Appeal no. 2240/2025, Diary No 4730 of 2025**
7. **Criminal Matters:**
 - a) Whether accused/convict has surrendered: Yes No
 - b) FIR No. **NA** Date: **NA**
 - c) Police Station: **NA**
 - d) Sentence Awarded: **NA**
 - e) Sentence Undergone: **NA**
8. **Land Acquisition Matters: N. A.**
 - a) Date of Section 4 notification: **N. A.**
 - b) Date of Section 6 notification: **N. A.**
 - c) Date of Section 17 notification: **N. A.**
9. **Tax Matters: State the tax effect: N. A.**
10. **Special Category** (first petitioner/appellant only):
 - Senior citizen
 - SC/ST
 - Woman/child
 - Disabled Legal Aid case
 - In custody
11. Vehicle Number (in case of Motor Accident Claim matters): **N. A.**
12. Decided cases with citation: **N. A.**

New Delhi
Dated:27.01.2025



SHUBHAM JAIN

ADVOCATE FOR THE APPELLANT

AOR CODE: 3449

Office: - 29, Kailash Hills, New Delhi - 110065.

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Email:- shubhamjain@Utkrishthalaw.com

B

SYNOPSIS

The present Appeal is being filed assailing the Order and Judgement dated 12.12.2024, passed by the Hon'ble National Company Law Tribunal (the "NCLAT"), at New Delhi, in I.A. No.6683 of 2024 in Company Appeal (AT) (Insolvency) No. 406 of 2022 (the "Impugned Order"). Vide Impugned Order & Judgment dated 12.12.2024, the Hon'ble NCLAT, New Delhi has erroneously failed to consider and adjudicate upon the proposal and objections of the Appellant herein vide its I.A No.6683 of 2024 through which the Appellant had clearly outlined that the it was willing to take over two projects of M/s Supertech Ltd. by infusing INR 150 Crores approximately for the revival and completion of the projects. The said payments were to be allocated towards the payments to homebuyers, construction costs and payments towards land dues as well.

The proposal submitted by Appellant herein was resultant to the order dated 11.05.2023 of this Hon'ble Court in C.A. No.1925 of 2023 whereby the promoters of M/s Supertech Ltd. were allowed to bring in investment as a measure of reverse insolvency and to revive the company and vide which this Hon'ble Court had upheld the interim order dated 10.05.2022 passed by the Hon'ble NCLAT.

Even otherwise and without prejudice, it is submitted that the Appellant herein has also entered into an Agreement dated 04.01.2025 with the promoters of Supertech Ltd. seeking to invest INR 250 Crores in all the projects of the Company and make payments towards constructions, lender dues etc.

C

That the impugned order is in complete violation of the scheme of the Insolvency and Bankruptcy Code, 2016 and has handed over all the projects to National Buildings Construction Corporation (“NBCC”) which is a third party to the insolvency proceedings of Supertech and not privy to the same as a Resolution Applicant.

It is relevant to point out that Hon’ble NCLAT, New Delhi vide the Impugned order has allowed NBCC to carry out construction in 16 projects of Supertech Ltd including the projects which were proposed to be taken over by the Appellant herein. In addition, vide the Impugned Order dated 12.12.2024, it is abundantly clear that the said handing over of the project to NBCC was clearly opposed by the homebuyers. However, without considering and without dealing with the extensive oppositions, Hon’ble NCLAT, New Delhi in contravention to the principles of natural justice and fairness, has proceeded to handover the projects to NBCC, thereby going beyond its own powers under the Code acting and against the order passed by this Hon’ble Court.

It has been time and again held by this Hon’ble Court that the Tribunal is required to confine itself under the statutory scheme and it cannot go beyond the mandatory provisions of the Code. However, in the instant case, while this Hon’ble Court had allowed the promoters of Supertech Ltd to bring in investments, the Hon’ble NCLAT proceeded to devise its own procedure and handed over the projects to NBCC while mechanically ignoring the objections raised by other parties. Hence, the instant application.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. OF 2025**

(Arising out of Impugned Final Order & Judgement dated 12.12.2024 passed by the National Company Law Appellate Tribunal at New Delhi in I.A. No. 6683 of 2024 in Company Appeal (AT) (Insolvency) No.406 of 2022)

IN THE MATTER OF:-

	Position Before The Appellate Tribunal	Position Before This Court
APEX HEIGHTS PVT. LTD. Through its Authorized Representative: Mr. Rajinder Singh Sachdeva S/o Satnam Singh Sachdeva Resident of A/150, Surya Nagar, Ghaziabad-201011	Applicant	Appellant

VERSUS

RAM KISHOR ARORA S/o Late Sh.Laxman Singh Arora Registered Office at:- 1114, Hemkunt Chambers, 89, Nehru Place, New Delhi-110019	Respondent No. 1	Respondent No.1
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Mr. Hitesh Goel	Respondent No. 2	Respondent No.2
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21st-25th floor, E square
Plot No. C2, Sector-96
Noida, Gautam buddh
Nagar, Uttar Pradesh-201303

ALL THE PARTIES ARE CONTESTING RESPONDENTS

TO,

**THE HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUDGES OF THE SUPREME COURT OF
INDIA**

THE HUMBLE APPEAL OF THE APPELLANT:-

MOST RESPECTFULLY SHOWETH:-

1. That this Statutory Appeal is filed under Sec. 62 of the Insolvency and Bankruptcy Code of 2016 (hereinafter "IBC 2016") against the Final Judgment/Order dated 12.12.2024 passed by the Hon'ble NCLAT in I.A. No. 6683 of 2024 in Company Appeal (AT) (Insolvency) No.406 of 2022.

1A. That the Appellant herein was the Applicant in I.A No. 6683 of 204 in Company Appeal (AT) (Insolvency) No.406 of 2022 and therefore has been aggrieved only by the Impugned Order dated 12.12.2024 passed in respect of I.A No. 6683 of 2024. The Impugned Order dated 12.12.2024 has failed to deal with the averments put forth by the appellant and proceeded to pass a non-speaking order. The Appellant has arrayed all the parties which were the parties before the Hon'ble NCLAT, New Delhi in I.A. No.6683 of 2024 in Company Appeal (AT) (Insolvency) No.406 of 2022. The Appellant, in this regard,

has also filed the Memo of Parties of I.A. No. 6683 of 2024 in Company Appeal (AT) (Insolvency) No.406 of 2022.

2. That the Appellant herein has not filed any other civil appeal before this Hon'ble Court against the Impugned Final Impugned Judgement and Order dated 12.12.2024 passed by the Hon'ble National Company Law Appellate Tribunal, New Delhi in I.A. No.6683 of 2024 in Company Appeal (AT) (Insolvency) No.406 of 2022.

3. **QUESTIONS OF LAW:-**

The following substantial questions of law arise for consideration before this Hon'ble Court in the present petition, in terms of Sec. 62 of IBC 2016:-

- A. Whether the Hon'ble NCLAT, New Delhi has passed a non-speaking order qua the I.A No.6683 of 2024 filed by the Appellant in Appeal No.406 of 2022?
- B. Whether the Hon'ble NCLAT, New Delhi has failed to consider that the proposal and objections filed by the Appellant are in consonance to order passed and liberty granted by this Hon'ble Court?
- C. Whether the Impugned Order overrides the order passed and liberty granted by this Hon'ble Court?
- D. Whether the Hon'ble NCLAT, New Delhi has failed to appreciate the fact that while deciding on the rights and contentions of the parties, a speaking order is required to be passed while specifically dealing with the contentions?

- E. Whether the Impugned order has been passed in contravention to the provisions of the Code?
- F. Whether the Impugned Order passed is in contravention of principles of natural justice and mandatory provisions of the Code?

FACTS OF THE CASE:-

The facts of the case chronologically, leading to the present Appeal, are as follows:-

- i) Corporate Insolvency Resolution Process of Supertech was initiated vide order dated 25.03.2022 by Hon'ble National Company Law Tribunal, New Delhi ("Hon'ble NCLT") passed in CP IB (ND) 204 of 2021. A copy of the Order dated 25.03.2022 passed by Hon'ble NCLT, New Delhi in CP IB (ND) No.204 of 2021 is annexed herewith as **ANNEXURE A-1** (Page No. 80 to 94 of the paperbook).
- ii) The abovementioned order passed by the Hon'ble NCLT, New Delhi was challenged by the promoter of Supertech Ltd. by way of an appeal under Section 61 of the Code. Vide the Order dated 10.06.2022, Hon'ble NCLAT, New Delhi was pleased to pass an interim order/direction whereby the Committee of Creditors ("CoC") was to be formed only in one project i.e., Eco Village 2 and all other projects were to be kept as going concern by the Interim Resolution Professional ("IRP") with assistance of the

promoters/directors of Supertech. A copy of the Order dated 10.06.2022 passed by Hon'ble NCLAT, New Delhi in Company Appeal (AT) (Insolvency) No.406 of 2022 is annexed herewith as ANNEXURE A-2 (Page No. 95 to 115 of the paperbook).

- iii) Against the order dated 10.06.2022, appeals were preferred before this Hon'ble Court by certain financial creditors, being Civil Appeal No.1925/23 and 5941/22. This Hon'ble Court, inter alia, passed an order dated 11.05.2023. Even before this Hon'ble Court, the homebuyers rather supported the process and approval of infusion of funds from proposed investors, which Mr.Ram Kishor Arora as a promoter, was arduously following up in the interests of homebuyers and towards completion of projects; recognizing the fact that any displacement of Hon'ble NCLAT, New Delhi order would affect the ongoing projects and cause immense hardships to homebuyers and put every project into a state of uncertainty more particularly stated under Para 10 of the judgment which is reproduced herein below:-

“In the light of the principles aforesaid, in our view, as at present, we should adopt the course which appears to carry lower risk of injustice, even if ultimately in the appeals, this Court may find otherwise or choose any other course. In that regard, the element of balance of convenience shall have its own significance. On one hand is the position that the Appellate Tribunal has

adopted a particular course (which it had adopted in another matter too) while observing that the project-wise resolution may be started as a test to find out the success of such resolution. The result of the directions of the impugned order dated 10.06.2022 is that except Eco Village-II project, all other projects of the corporate debtor are to be kept as ongoing projects and the construction of all other projects is to be continued under the supervision of the IRP with the ex-management, its employees and workmen. Infusion of funds by the promoter in different projects is to be treated as interim finance, regarding which total account is to be maintained by IRP. If at the present stage, on the submissions of the appellants, CoC is ordered to be constituted for the corporate debtor as a whole in displacement of the directions of the Appellate Tribunal, it is likely to affect those ongoing projects and thereby cause immense hardship to the home buyers while throwing every project into a state of uncertainty. On the other hand, as indicated before us, the other projects are being continued by the IRP and efforts are being made for infusion of funds with the active assistance of the ex-management but without creating any additional right in the ex-management. In our view, greater inconvenience is likely to be caused by passing any interim order of constitution of CoC in relation to the corporate debtor as a whole; and may cause irreparable injury to the home buyers. In this

view of the matter, we are not inclined to alter the directions in the order impugned as regards the projects other than Eco Village-II.”

- iv) Subsequently, Hon’ble NCLAT, New Delhi was pleased to consider the proposal of project wise resolution of all the projects being constructed under the banner of Supertech and vide its order dated 12.02.2024 directed the IRP to prepare a draft proposal of project wise resolution for the Non-Eco Village II projects, collect inputs on it from the stakeholders and submit these draft proposals for consideration of the Hon’ble Appellate Tribunal within 4 weeks from the date of the said order.
- v) In the meanwhile, upon the request of the promoters of Supertech and upon preliminary due diligence, the Appellant and promoter executed a preliminary term sheet dated 02.05.2024 for taking over the land situated at Plot No SC 02 D, Sector 27 Greater Noida, as a Co-Developer, originally allotted to Supertech Limited on which a project styled as “Supertech Sports Village” is being developed however, the same was revised and also sent to Greater Noida Authority as a proposal to take over the said project as a Co-Developer. A copy of the proposal dated 05.06.2024 sent to Greater Noida Authority is annexed herewith as **ANNEXURE A-3** (Page No. 116 to 118 of the paperback).

- vi) Subsequently, and upon submission of a report by the IRP on the project wise proposal was considered by Hon'ble NCLAT, New Delhi along with objections to it. Hence, vide its order dated 31.05.2024, Hon'ble NCLAT, New Delhi was of view that a way forward for project wise resolution would be undertaken and noted the following:-

“8.All the parties before us have expressed their agreement for project-wise resolution for Non-Eco-Village-II Projects, which we have already indicated in our order dated 12.02.2024. We, thus, have to find out way forward for project-wise resolution. When the project-wise resolution would be undertaken, project-wise meeting of all stakeholders need to be undertaken. All issues pertaining to a particular project has to be considered and IRP is to submit final proposal for project-wise resolution, after conducting the project wise stakeholders meeting and after obtaining the views of all stakeholders.”

A copy of order dated 31.05.24 passed by Hon'ble NCLAT, New Delhi is annexed herewith as ANNEXURE A-4 (Page No. 119 to 133 of the paperbook). .

It is also pertinent to mention that the promoters of Supertech have written to the Greater Noida Authority for allowing the Applicant to be a co-developer of the project. The said permission is under consideration by the Authority. A Copy of letter dated 28.08.2024 issued by

Greater Noida Authority is annexed herewith as **ANNEXURE A-5** (Page No. 134 to of the paperbook).

- vii) However, National Buildings Construction Corporation (NBCC) approached the Hon'ble NCLAT on 08.07.2024 and submitted that NBCC is interested in undertaking the projects subject to due diligence. In terms of order dated 15.07.2024, Hon'ble NCLAT, New Delhi permitted NBCC to submit their proposal for the Corporate Debtor. The involvement or assignment of projects to the NBCC has raised several significant objections from home buyers and other stake holders. These concerns are grounded in past experiences and perceived shortcomings in NBCC's performance.
- viii) In view of the NBCC coming into picture without the consent of the landowners and other concerned parties, the Applicant was constrained to prefer the IA No.6683 of 2024 and IA No.6563 of 2024 seeking to intervene and take over the projects as a co-developer. A copy of the I.A. No.6683 of 2024 dated 11.09.2024 is annexed herewith as **ANNEXURE A-6** (Page No. 135 to 140 of the paperbook). A copy of the Reply dated 18.10.2024 filed by RP to I.A. No.6683 of 2024 is annexed herewith as **ANNEXURE A-7** (Page No. 141 to 213 of the paperbook).

ix) The said IA's were mentioned before the Hon'ble NCLAT, New Delhi on several dates such as 26.11.2024, 27.11.2024 etc, and the Appellant herein was orally directed to file objections to the IA filed by NBCC consequently, the Appellant filed the said objections vide diary number 55979/2024. However, to the utter shock of the Appellant herein, the impugned order contained merely the mention of the application filed by the Appellant and the same was not dealt on merits. The impugned order is silent on the objections raised by the Appellant herein. A true copy of the written submissions dated 02.12.2024 filed on behalf of the Appellant before the Hon'ble NCLAT, New Delhi are annexed herewith as ANNEXURE A-8 (Page No. 214 to 216 of the paperbook).

5. **GROUND**-

The Impugned Order dated 12.12.2024 ought to be set aside because:

- II. Because the Hon'ble NCLAT, New Delhi has passed the impugned order without considering the entire facts and circumstances of the case.
- III. Because the Hon'ble NCLAT, New Delhi has failed to appreciate the fact that the impugned order passed deals with the rights and obligations of several parties and not only Supertech and more specially not NBCC.
- IV. Because IA No.6683 of 2024 filed by the Appellant merely has a mention in the impugned order, Hon'ble

NCLAT has completely failed to deal with the objections and proposal given by the appellant on merits and passed a non-speaking order qua the said proposal.

- V. Because the order passed by the Hon'ble NCLAT, New Delhi is in teeth of the provisions of the Code in as much as it has handed over the projects of Supertech Ltd. to NBCC without considering the fact that once the company has been admitted to insolvency proceedings (in case of real estate companies) either the same can be subject to reverse insolvency where the pending projects are completed with the consensus between the Resolution Professional and the promoters or else the said companies are resolved with due procedure outlined under the Code.
- VI. That the Hon'ble NCLAT has passed the impugned order without taking into account that this Hon'ble Court has time and again held that judgments delivered by courts must be speaking and reasoned. For a qualitative judgment, it is the sufficiency of reasons recorded in support of the conclusions or findings arrived at by the court that matters and not the number of pages in the judgment.
- VII. Because the Hon'ble NCLAT, New Delhi failed to appreciate the fact that the final consent to complete the projects handed over to NBCC is to be taken by the homebuyers and land authorities who have clearly objected to the said handing over.

VIII. Because it is a trite law that any inherent power of the Tribunal cannot be used to subvert the provisions and mandatory statutory scheme as outlined therein. It is a settled position of law that the Tribunal cannot overlook the mandatory procedures outlined under the Code.

IX. Because the Hon'ble NCLAT, New Delhi has failed to appreciate the fact that while deciding and finalising on the rights of certain parties principles of Natural Justice should be followed by the authorities while holding the dais of justice. Speaking Order is considered to be the third pillar of natural justice as it enumerates the relevant reasonings which paved the way for arriving to a certain decision. The paucity of necessary reasonings in any decision raises a doubt of arbitrariness, which is a nightmare for any justice delivery system. The lack of reasons not only prejudices the right of the appellant to identify grounds of appeal, but also prevents any appellate court from discerning as to how and under what application of mind the said order has been passed.

6. **RELIEFS**

PRAYER

It is most respectfully prayed that this Hon'ble Court may be pleased to:-

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- (a) Admit and allow the present Civil Appeal and set aside the Impugned Judgment and Order dated 12.12.2024 passed by the National Company Law Appellate Tribunal, at New Delhi, in I.A. No. 6683 of 2024 in Company Appeal (AT) (Insolvency) No. 406/2022; and
- (b) pass such other further order or orders as this Hon'ble Court may deem fit and proper in the facts of the case and in the interest of justice.

**AND FOR THIS ACT OF KINDNESS AS IN DUTY BOUND
THE APPELLANTS SHALL EVER PRAY.**

DRAWN on:-27.01.2025

Place: New Delhi

Date of Filing: 27.01.2025

FILED BY



SHUBHAM JAIN
Advocate for the Appellant

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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. OF 2025**

IN THE MATTER OF:

APEX HEIGHTS PVT LTD

... APPELLANT

Versus

RAM KISHOR ARORA AND ORS.

...RESPONDENTS

CERTIFICATE

It is certified that the Civil Appeal is confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the present Civil Appeal. It is further certified that the copies of the document/annexures attached to the present Civil Appeal are necessary to answer the question of law raised in the appeal or to make out grounds urged in the present Civil Appeal for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the Appellant/person authorized by the Appellant whose affidavit is filed in support of the present Civil Appeal.

Place: New Delhi

Dated: 27.01.2025

Filed By:



SHUBHAM JAIN

(Advocate for the Appellant)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
(UNDER SECTION 62(1) OF THE INSOLVENCY AND BANKRUPTCY
CODE, 2016)
CIVIL APPEAL NO. OF 2025

IN THE MATTER OF:
APEX HEIGHTS PVT. LTD.

... APPELLANT

Versus
RAM KISHOR ARORA AND ~~ANR.~~

...RESPONDENTS

AFFIDAVIT

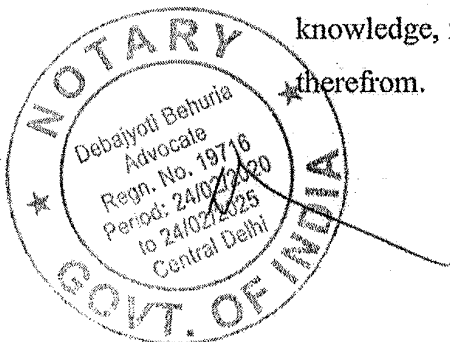
I Rajinder Singh Sachdeva, S/o Satnam Singh Sachdeva R/o A-150
Surya Nagar Ghaziabad -201011, do hereby solemnly affirm and state as
under:

1. That I am the authorised representative of the Appellant in the above
Civil Appeal and I am well conversant with the facts, proceedings and
circumstances of the case and hence competent and authorised to swear
this affidavit.

2. I say that I have been read out the contents of the Civil Appeal from Para
I to ~~6~~ at page No. ~~74~~ to ~~77~~ and the list of dates from pages B to C
and Applications of the accompanying Application which I have
understood and I say that the facts stated therein are true to the best of my
knowledge and belief.

3. I say that the Annexures alongwith the Appeal are true and true typed
copy of the respective originals.

4. I say that the averments of facts stated hereinabove are true to my
knowledge, no part of it is false and nothing material has been concealed
therefrom.



DEPONENT
For APEX HEIGHTS PVT. LTD.
Rajinder Singh Sachdeva
Authorised Signatory

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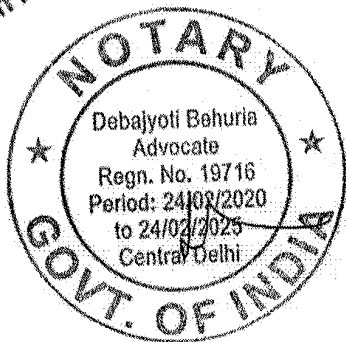
VERIFICATION

I, the deponent abovenamed do hereby verify and state that the contents of the above affidavit are true and correct to my the best of my knowledge and belief and that nothing material has been concealed herefrom.

27 JAN 2025

Verified this at New Delhi on this 27th day of January 2025

*Shubham Jain
(D/3670/15)
I identified the deponent who
has signed in my presence.*



DEPONENT
For AREX HEIGHTS PVT LTD.

[Signature]
Authorised Signatory

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. *Rajinder Singh Sachdeva*
No. *10*, W/o, D/o *Satnam Singh Sachdeva*
No. *10* identified by Shri/Smt. *Shubham Jain*
has solemnly affirmed before me
New Delhi on **27 JAN 2025** at No. *10*
That the Contents of the affidavit which have
been read & explained to him are true and
correct to this knowledge.

Notary Public