

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COURT III**

107. I.A. 3692/2023  
I.A. 2646/2023  
I.A. 2519/2023  
I.A. 2517/2023  
I.A. 2515/2023  
I.A. 2406/2023  
I.A. 1480/2023  
I.A. 1277/2023  
I.A. 1159/2023  
I.A. 1056/2023  
I.A. 1045/2023  
I.A. 942/2023  
I.A. 343/2023  
I.A. 2285/2022

IN

C.P.(IB)-27(MB)/2019

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)  
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **09.10.2023**

NAME OF THE PARTIES: Bank of India

V/s.

Housing Development & Infrastructure Ltd

SECTION 7 IBC, 2016

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**ORDER**

1. Adv. Aniruth Purushothaman appearing for the Applicant in I.A. 343/2023, Adv. Sadab S. Jan appearing for the Resolution Professional, Adv. Ayush Kothari appearing for the Applicant in I.A. 3692/2023, Adv. Shrey Fater Pekar appearing for the Applicant in I.A. 1159/2023, Adv. Omkar Savarkar appearing for the I.A. 1045/2023, Adv. Rathina Maravarman appearing for the Applicant in I.A. 942/2023, Adv. Rohit

Gupta appearing for the Respondent Nos. 2,4 to 16 and 18, 19 to 23 in I.A. 343/2023 and Respondent No. 17 in I.A. 942/2023 are present.

**I.A. 3692/2023**

1. The above application is filed by the Mr. Anand Muddy Shetty, Applicant under Section 60(5) of IBC to condone the delay in submitting his claim with the Respondent and to include the claim of the Applicant in the Resolution Plan in the capacity of the Financial Creditor.
2. Learned Counsel appearing for the Resolution Professional submits that the Resolution Plan has been passed with the caveat that all the claims of the homebuyers which are approved by the NCLT till the approval of the Resolution Plan may be considered.
3. In view of the statement made by the Learned Counsel appearing for the Resolution Professional, we direct the Resolution Professional to examine the claim submitted by the Applicant in accordance with law.
4. With the above directions, the above I.A. 3692/2023 **is disposed of**.

**I.A. 2646/2023**

1. None appeared for the Applicant. Learned Counsel appearing for the RP submits that he has not received the copy of the application.
2. Applicant is directed to furnish the copy of the Application to the RP before the next date of hearing. List this I.A. **24.11.2023**.

**I.A. 2519/2023**

1. None appeared for the Applicant.
2. The above application is filed by the Applicant under Section 60(5) to condone the delay in submitting his claim with the Respondent and to

include the claim of the Applicant in the Resolution Plan in the capacity of the Financial Creditor.

3. Learned Counsel appearing for the Resolution Professional submits that the Resolution Plan has been passed with the caveat that all the claims of the homebuyers which are approved by the NCLT till the approval of the Resolution Plan may be considered.
4. In view of the statement made by the Learned Counsel appearing for the Resolution Professional, we direct the Resolution Professional to examine the claim submitted by the Applicant in accordance with law.
5. With the above directions, the above I.A. 2519/2023 **is disposed of.**

**I.A. 2517/2023 & I.A. 2515/2023**

1. The above application is filed by the Applicant under Section 60(5) to condone the delay in submitting his claim with the Respondent and to include the claim of the Applicant in the Resolution Plan in the capacity of the Financial Creditor.
2. Learned Counsel appearing for the Resolution Professional submits that he has not received the claim of the Applicants I.A. 2517/2023 & I.A. 2515/2023.
3. The applications are directed to lodge their claims in the prescribed form to the Resolution Professional. Let the RP examine the same in accordance with law.
4. With the above directions, the above I.A. 2519/2023 **is disposed of.**

**I.A. 2406/2023**

1. Learned Counsel appearing for the Resolution Professional submits service of notice to all the respondent are completed. He further informs that service of notice on one of the Respondents is not completed and seeks some time.
2. Applicant is directed to complete the service of the notice on the respondent and file service affidavit before the next date of hearing. List this I.A. **09.11.2023**.

**I.A. 1277/2023**

1. None appeared for the Applicant. The above application is filed by the Galaxy Apartment "F" Wing Welfare Associate filed against the Resolution Professional seeking following prayers:
  - a. Allow the present Application.*
  - b. Direct the RP to cooperate and provide requisite copy of the Application of Liquidation and Project wise all Resolution Plans filed before the Hon'ble NCLT, Mumbai.*
  - c. Direct the Registrar of Department of NCLT to provide the copy of the Interlocutory Application filed by the Sharda Construction and Corporation Private Limited (Shardacon-VIDPL Consortium)*
2. List this I.A. on **09.11.2023** for appearance of the Applicant/Dismissal of the Application.

**I.A. 1159/2023**

1. The above application is filed by the Paradise City Welfare Associate seeking following prayers.
  - a. *The Hon'ble Tribunal be pleased to allow the present Application and implead Applicant as the necessary party.*
  - b. *The Hon'ble Tribunal be pleased to grant stay on the Liquidation Application filed by the Resolution Professional with respect to the said project.*
  - c. *The Hon'ble Tribunal be pleased to direct the resolution professional to provide all information with respect to the said project to the Applicants in order to invite more developers/builders.*
  - d. *The Hon'ble Tribunal be pleased to direct the Resolution Professional to take into consideration the viable letter Intent received by the Applicant Association for taking over the said project.*
  - e. *That the Hon'ble Tribunal be pleased to direct the resolution professional to reissue the Expression of Interest with regard to the said project.*
  - f. *That the Hon'ble Tribunal be pleased to direct the resolution professional to reissue the Expression of Interest for sector-wise development of the said project.*
  - g. *The Hon'ble Tribunal be pleased to pass any other order as it may deem necessary.*
2. Heard the submissions of the counsel appearing for the Applicant and considering the documents attached with the application.

3. Counsel appearing for the Resolution Professional submits that the re-running of the Resolution Process of Paradise Welfare Association was approved by the COC in its meeting dated 20.01.2023.
4. Accordingly, we direct the Resolution Professional to re-run the process of Resolution Plan.
5. With the above direction, the above I.A. 1159/2023 **is disposed of**.

**I.A. 1056/2023, I.A. 1045/2023, I.A 942/2023 & I.A 343/2023**

6. List above I.A.s on **11.10.2023**.

**I.A. 2285/2022**

7. At the joint request of the parties, list this I.A. on **11.10.2023**.

**I.A. 1480/2023**

8. List this I.A. **12.12.2023**.

Sd/-  
CHARANJEET SINGH GULATI  
Member (Technical)  
/RKS/

Sd/-  
LAKSHMI GURUNG  
Member (Judicial)