PROCEEDINGS OF THE DAY	66
Day and Date	Tuesday and 09.08.2022
Complaint No.	CR/1139/2021 Case titled as NISCHAL DUBEY AND ANR Vs SUPERTECH LIMITED
Complainant	NISCHAL DUBEY AND ANR
Represented through	
Respondent	SUPERTECH LIMITED
Respondent Represented	Shri Bhrigu Dhami Advocate on behalf of IRP
Last date of hearing	RECEIVED BY TRANSFER FROM A.O
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

Vide orders dated 25.03.2022, NCLT New Delhi initiated CIRP against the respondent i.e. M/s Supertech Limited and appointed Mr. Hitesh Goel as IRP for the corporate debtor and declared moratorium as per section 14 of IBC. It led to filing an appeal in NCLAT against that order by Mr. R.K. Arora, one of the suspended Director. That order was stayed by NCLAT and constitution of CoC was stayed and observed that IRP may constituted the CoC only in relation to project ECO village-II of the corporate debtor and that appeal is pending for 12.08.2022.

Now an application dated 26.07.2022 from Mr. Hitesh Goel IRP has been received stating therein that though all the projects of the corporate debtor apart from ECO village – II would be kept as on-going project, but the construction of the other projects would continue with overall supervision of IRP with the assistance of ex-management, its employees and workmen. So the imposition of moratorium under section 14 of IBC would continue and proceedings of all the cases listed before the authority be adjourned sine die.

But plea raised in this regard is devoid of merit. While passing order dated 25.03.2022 though NCLT initiated CIRP against the corporate debtor but that order was stayed and modified vide orders dated 26.07.2022 by NCLAT by observing that the construction of all other projects shall continue with over all supervision of IRP with the assistance of its ex-management, its employees and workmen. Though clarification w.r.t this order is pending for 12.08.2022 before NCLAT but IRP would be treated as a promoter for all intents and purposes except for ECO village-II against whom CIRP has been initiated and is pending.

The authority hereby directs the Additional AG Haryana to examine whether reading of order dated 25.03.2022 and order dated 10.06.2022 moratorium in terms of Section 14 of the IBC is declared only against ECO village-II project or in respect of all other projects of the corporate debtor i.e. M/s Supertech Limited. Meanwhile, the authority may fix up matter the date subsequent to the date fixed in this matter pending before NCLAT on 12.08.2022.

Matter to come up on 31.08.2022 for further proceedings.

Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
09.08.2022