



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 92 OF 2025

Sarita

....COMPLAINANT

VERSUS

1. Aakriti Projects Private Limited
2. Dwarkadhish Projects Private Limited
3. Sulekh Jain
4. Vikas Jain
5. Aravali Heights Residents Welfare Association (AHRWA)
6. Dharmender (President of AHRWA)
7. Rajpal Yadav
8. Vinay (Estate Manager of DPL/AHRWA)
9. Town & Country Planning, Haryana
10. State Pollution Control Board
11. Environment and Climate Change

....RESPONDENTS

CORAM: Parneet Singh Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh

Chairman
Member
Member

Date of Hearing: 12.02.2026

Hearing: 4th

Present: Mr. Vikram Singh, proxy counsel for the complainant, in person
Mr. Neeraj Goel, counsel for the respondent no.1, through VC.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present complaint has been filed by the complainant alleging deficiency in service on the part of respondent no. 2 in relation to the project "Aravali Heights". It is averred that the complainant booked an apartment on 25.02.2007 by paying an amount of ₹3,50,000/-, being 15% of the total sale consideration of ₹23,25,000/-, even prior to execution of the Builder Buyer Agreement. It is further alleged that despite repeated follow-ups, the Builder Buyer Agreement was unilaterally executed by the respondent only on 26.07.2007 and that the project was not completed within the agreed period of three years. It is also the case of the complainant that the Conveyance Deed has not been executed till date and that only symbolic or "pseudo-possession" was offered on 08.02.2023, which was accepted under protest as the apartment is allegedly uninhabitable and suffers from recurring deficiencies in services.
2. Per contra, respondent no. 2 has filed its reply through the Interim Resolution Professional (IRP), raising a preliminary objection with regard to the maintainability of the present proceedings. It has been submitted that Corporate Insolvency Resolution Process (CIRP) has been initiated against respondent no. 2, namely Dwarkadhis Projects Pvt. Ltd., by the Hon'ble



National Company Law Tribunal, New Delhi vide order dated 06.03.2024 passed in *C.P. (IB) No. (IB)-281 (ND)/2023*, which order has been upheld by the Hon'ble National Company Law Appellate Tribunal vide order dated 20.03.2024. It is contended that in view of the moratorium declared under Section 14 of the Insolvency and Bankruptcy Code, 2016, continuation of the present proceedings is barred. Reliance has also been placed on Section 238 of the IBC to contend that the provisions of the Code override all other laws, including the RERA Act, 2016.

3. The complainant has opposed the said objection by contending that the moratorium pertains only to a separate project, namely "Casa Romana", and not to the present project "Aravali Heights". It has further been argued that moratorium under Section 14 of the IBC does not bar execution of Conveyance Deeds in real estate matters and that insolvency proceedings in real estate cases are project-specific. It has also been contended that the Hon'ble NCLT itself granted liberty to homebuyers to approach HRERA, thereby recognising the continued availability of remedies under the RERA Act. Reliance has been placed on judicial precedents to submit that landowners are deemed promoters and are statutorily bound to execute Conveyance Deeds under Section 17 of the RERA Act.
4. The Authority has carefully considered the rival submissions and perused the record. It is an admitted position that CIRP has been initiated against respondent no. 2, Dwarkadhis Projects Pvt. Ltd., and that a moratorium



under Section 14 of the Insolvency and Bankruptcy Code, 2016 has been declared by the Hon'ble NCLT vide order dated 06.03.2024, in C.P. (IB) No. (IB)-281(ND)/2023 which has also been upheld by the NCLAT vide order dated 20.03.2024. The relevant para is reproduced below for reference:-

"51. In the wake, moratorium as provided under Section 14 of IBC, 2016 is declared qua the CD and as a necessary consequence thereof the following prohibitions are imposed, which must be followed by all and sundry:

- a) The institution of suits or continuation of pending suits or proceedings against the Respondent including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;*
- b) Transferring, encumbering, alienating or disposing of by the Respondent any of its assets or any legal right or beneficial interest therein;*
- c) Any action to foreclose, recover or enforce any security interest created by the Respondent in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;*
- d) The recovery of any property by an owner or lessor, where such property is occupied by or in the possession of the Respondent".*

5. Section 14(1)(a) of the Insolvency and Bankruptcy Code, 2016 mandates that upon commencement of insolvency proceedings, the Adjudicating Authority shall declare a moratorium prohibiting the institution or continuation of proceedings against the Corporate Debtor. The said provision reads as under:

“On the insolvency commencement date, the Adjudicating Authority shall by order declare moratorium for prohibiting the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority.”

6. The contention of the complainant that the moratorium is confined only to a particular project cannot be accepted. It is pertinent to note here that the CIRP has been initiated against the Corporate Debtor itself and not against an individual project. Consequently, the moratorium declared under Section 14 operates qua the entire corporate entity, and all proceedings against the Corporate Debtor before any court, tribunal or authority stand statutorily stayed.
7. Further, the argument that execution of Conveyance Deeds is not hit by moratorium is also misplaced. Execution of a Conveyance Deed involves transfer of rights, title and interest in immovable property belonging to the Corporate Debtor. Such transfer is directly hit by the prohibitions contained under Section 14 of the Code and cannot be directed during the subsistence of moratorium.
8. The Hon'ble Supreme Court in *Sundaresh Bhatt, Liquidator of ABG Shipyard v. Central Board of Indirect Taxes and Customs, Civil Appeal No. 7667 of 2021*, has elaborately explained the object and scope of moratorium. In paragraph 36, the Hon'ble Court observed as under:

“36. One of the purposes of the moratorium is to keep the assets of the Corporate Debtor together during the insolvency resolution

process and to facilitate orderly completion of the processes envisaged under the statute. Such measures ensure the curtailing of parallel proceedings and reduce the possibility of conflicting outcomes in the process."

9. Further, in paragraph 35, it was held:

"35. When the insolvency process commences, the adjudicating authority is mandated to declare a moratorium on the continuation or initiation of any coercive legal action against the Corporate Debtor."

The Hon'ble Supreme Court has also expressly recognised the central statutory role of the Interim Resolution Professional during CIRP. In paragraph 34(iii) of the said judgment, it has been observed:

"(iii) The NCLT first appoints an interim insolvency professional. The interim insolvency professional is to hold office until a resolution professional is appointed. He further takes control of the Corporate Debtor's operations and collects its financial information from information utilities. The NCLT must also ensure public announcement of the initiation of corporate insolvency process and call for submission of claims."

10. The aforesaid observation clearly establishes that upon commencement of CIRP, the IRP assumes control over the affairs and operations of the Corporate Debtor and becomes the statutory authority before whom all claims are required to be submitted. Once such control vests in the IRP under the supervision of the Hon'ble NCLT, parallel adjudication of issues relating to the Corporate Debtor, including execution of conveyance or determination of liabilities, by any other forum would be contrary to the scheme of the Insolvency and Bankruptcy Code.



11. This Authority is conscious of the submissions made by the complainant regarding the applicability of Section 17 of the RERA Act and the judgment relied upon to contend that landowners are deemed promoters. However, the present issue at hand is not with respect to the existence of statutory rights under RERA, but with regard to the jurisdictional bar operating during the subsistence of moratorium. In view of Section 238 of the Insolvency and Bankruptcy Code, 2016, the provisions of the Code shall have overriding effect notwithstanding anything inconsistent contained in any other law.
12. Once CIRP has been initiated and moratorium has been declared, there is no provision under law permitting this Authority to keep the proceedings pending until culmination of CIRP, particularly when the duration of such proceedings is uncertain. Allowing proceedings to remain pending would defeat the very object of moratorium, which is to ensure a calm period, free from multiplicity of litigation and coercive action against the Corporate Debtor.
13. In view of the initiation of CIRP proceedings against respondent no. 2 and the statutory bar imposed under Section 14 of the Insolvency and Bankruptcy Code, 2016, any further proceedings before this Authority would be against the spirit and mandate of the said provision. It is for the IRP, under the supervision of the Hon'ble NCLT, to take all necessary

steps in accordance with law, including dealing with receivables, payables and claims of stakeholders.

14. In view of the foregoing discussion, the present case is **disposed of** without adjudication on merits, with liberty to the complainant to pursue its claim before the Hon'ble National Company Law Tribunal by submitting the same before the Interim Resolution Professional in accordance with law.

File be consigned to record room after uploading of this order on the website of the Authority.





DR. GEETA RATHEE SINGH
[MEMBER]



NADIM AKHTAR
[MEMBER]



PARNEET S SACHDEV
[CHAIRMAN]