

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 10.01.2019
Complaint No.	578/2018 Case titled as Ms. Asha Sethi Vs M/s Adel Landmarks Ltd.
Complainant	Ms. Asha Sethi
Represented through	Shri Abhay Jain, Advocate for the complainant.
Respondent	M/s Adel Landmarks Ltd.
Respondent Represented through	Ms. Tarini Bhargava, Advocate for the respondent.
Last date of hearing	20.9.2018
Proceeding Recorded by	Naresh Kumari & S.L.Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, as such notice under section 59 of the Real Estate (Regulation & Development) Act, 2016 for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Ms. Tarini Bhargava, Advocate has appeared on behalf of the respondent and filed memo of appearance. She has also filed a copy of order dated 5.12.2018 passed by NCLT, New Delhi.

Complaint was filed on 23.7.2018. Notices w.r.t. reply to the complaint were issued to the respondent on 16.8.2018, 20.9.2018 and 17.10.2018.

Besides this, a penalty of Rs.5,000/- and Rs.10,000/- was also imposed on 20.9.2018 and on 17.10.2018 for non-filing of reply even after service of notice. However, despite due and proper service of notices, the respondent did not file the reply.

A final notice dated 31.12.2018 by way of email was sent to both the parties to appear before the authority on 10.1.2019.

Counsel for respondent has produced a copy of order No.CP.No.IB-1083 (PB)/2018 in the matter of **Edelweiss Asset Reconstruction Company Limited vs. Adel Landmarks Ltd.** vide which Hon'ble President Shri M.M Kumar and Ms. Ina Malhotra Hon'ble Member (Judicial) have passed order dated 5.12.2018. The operative part of para nos.18 and 19 are reproduced as under:-

“Para no.18: We also declare moratorium in terms of Section 14 of the Code. It is made clear that the provisions of moratorium are not to apply to transactions which might be notified by the Central Government and a surety in a contract of guarantee to a corporate debtor. Additionally, the supply of essential goods or services to the Corporate Debtor as may be specified is not to be terminated or suspended or interrupted during the moratorium period. These would include supply of water, electricity and similar other supplies of goods or services as provided by Regulation 32 of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

Para No.19: The office is directed to communicate a copy of the order to the Financial Creditor, the Corporate Debtor and the Interim Resolution Professional at the earliest but not later than seven days from today. A copy of this order be also sent to the ROC for updating the Master Data. ROC shall send compliance report to the Registrar, NCLT”.

In view of the decision taken by the National Company Law Tribunal Special Bench, New Delhi whereby the NCLT has imposed moratorium on further proceedings. As such, complainant may pursue the case before the NCLT. Accordingly, complaint stands disposed.

File be consigned to the registry.

Samir Kumar
(Member)
10.1.2019

Subhash Chander Kush
(Member)