

**PROCEEDINGS OF THE DAY**

Day and Date	Wednesday and 16.01.2019
Complaint No.	849/2018 Case Titled As Banarsi Lal Tondon & Sons And Ans V/S ABW Infrastructure Limited And Others
Complainant	Banarsi Lal Tondon & Sons and Anr.
Represented through	S/Shri Anand Prakash Dubay and Robin Kumar, Advocates for the complainants.
Respondent	ABW Infrastructure Limited And Others
Respondent Represented through	Shri Dinesh Kumar Dakoria, Advocate for the respondent.
Last date of hearing	First hearing
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.

As per Delhi High Court order dated 4.7.2018 in Co.Pet.449/2016, titled as **Nitya Kukreja versus ABW Infrastructure Ltd.**, winding up order has been passed. The operative part of the order is as under:-

***"In my opinion, the court has already ordered for winding up of the respondent-company and hence, the application cannot be considered. Even otherwise, keeping in view the objections of the***

***petitioners, I do not deem it appropriate to transfer this petition to NCLT. The application is accordingly dismissed”.***

The counsel for the complainant alleged that the winding up proceedings have been kept in abeyance by the Delhi High Court by a subsequent order. However, he has not produced any document to fortify his submissions. As such, it cannot be taken on record.

It has also been brought to the notice of RERA authority that Shri Atul Bansal, Sonal Bansal and Ravi Shanker, all directors of the ABW company have been declared as absconders by Chief Metropolitan Magistrate, South, New Delhi.

Matter stands disposed of by the Delhi High Court, it comes under the category of res judicata. File be consigned to the registry.

Samir Kumar  
(Member)

Subhash Chander Kush  
(Member)

Dr. K.K. Khandelwal  
(Chairman)  
16.01.2019