



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 23.02.2022.

Item No. 166.12

(viii) Promoter : Umang Realtech Pvt. Ltd.

Project : "Summer Palms" - Group Housing Colony on land measuring 12.126 acres in Sector-4-A, Village Kasar, Bahadurgarh, Jhajjar.

Temp ID: RERA-PKL-34-2018

1. The Authority in its 158th meeting held on 29.11.2021 had observed that;-

***2. Today, Sh. T.S. Khaira, Ld Counsel for IRP appeared through video conferencing and referred to orders of Hon'ble Supreme Court passed in Civil Appeal no. 6393/2021 filed by M/s Umang Realtech Pvt. Ltd, as reproduced below:-

"Learned counsel for the appellant contends that proceedings under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for short, 'IBC, 2016') were initiated by some of the home buyers as financial creditors vide CP No.IB-1564(PB)/2018. The Reverse Corporate Insolvency Resolution Process was initiated by National Company Law Appellate Tribunal. Therefore, the proceedings before National Consumer Disputes Redressal Commission could not proceed in view of the statutory moratorium under Section 14 of the IBC, 2016. Issue notice, returnable within eight weeks. In the meantime, recovery proceedings shall remain stayed"



3. He further stated that matter regarding similar question of law as of Umang Realtech Pvt. Ltd. is pending before Hon'ble NCLAT listed on 15.12.2021.

4. Based on the above facts learned counsel Shri T.S. Khaira argued that during the pendency of CIRP proceedings before Hon'ble NCLT, no further proceedings can take place before any other Court or Authority including before this Authority.

5. Authority is of the view that after Hon'ble NCLAT had ruled that other projects of the respondent company will not be part of CIRP proceedings, it should be presumed that the jurisdiction of IRP is no longer applicable on the project situated in Bahadurgarh. However, Hon'ble Supreme Court in the above reproduced order appears to have ordered differently.

6. The Authority considers that a clarity in this regard deserves to be obtained from the Hon'ble NCLAT. The IRP should file an application before Hon'ble NCLAT and seek clarity as to whether the CIRP proceedings shall be deemed to be going on against the projects other than the projects situated in Gurugram area."

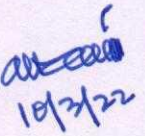
2. No reply has been received from counsel for IRP. However, Advocate Sanowar informs that T.S. Khaira, learned counsel for IRP is suffering from high fever and therefore will be unable to attend the proceedings.

3. Accepting the request of learned counsel for IRP, Authority decides to adjourn the matter to 04.04.2022 with directions to comply with the orders of Authority dated 29.11.2021.

True copy


Executive Director,
HRERA, Panchkula




LA (Shubham)

A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.