BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI BENCH – VI, AT NEW DELHI

I.A. NO. _____ OF 2025
IN
CP (IB) NO. 1082/ND/2018

IN THE MATTER OF:
MS. KIRAN MALHOTRA … FINANCIAL CREDITOR

VERSUS

M/S. ALCHEMIST TOWNSHIP (INDIA) LIMITED
…CORPORATE DEBTOR

AND IN THE MATTER OF:
DEVENDRA SINGH
RESOLUTION PROFESSIONAL
FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED … APPLICANT

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THROUGH:



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DATE: 06.05.2025
PLACE: NEW DELHI

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FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED
... APPLICANT

MEMO OF PARTIES

DEVENDRA SINGH
RESOLUTION PROFESSIONAL
FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED
OFFICE ADDRESS:
ASSOTECH BUSINESS CRESTERRA, OFFICE NO.216,
2ND FLOOR, TOWER-1, SECTOR-135,
NOIDA, UTTAR PRADESH – 201305 **... APPLICANT**

FILED THROUGH:

VARSHA BANERJEE/VISHAWJEET SINGH
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DATE:06.05.2025
PLACE: NEW DELHI

SYNOPSIS

This application is preferred by Mr. Devendra Singh, Resolution Professional (hereinafter referred to as "RP/Applicant") for M/s. Alchemist Township (India) Limited (hereinafter referred to as "Corporate Debtor"), under Section 420(2) of the Companies Act, 2013 read with Rule 11 of the National Company Law Tribunal Rules, 2016, seeking rectification of an inadvertent error in the order dated 08.05.2023 passed by the Hon'ble National Company Law Tribunal, New Delhi Bench – VI, and further seeking directions for listing of I.A. No. 4185 of 2021 for adjudication on merits. The application aims to correct the erroneous disposal of I.A. No. 4185 of 2021, which pertains to avoidance transactions under the Insolvency and Bankruptcy Code, 2016.

The Corporate Insolvency Resolution Process (hereinafter referred to as "CIRP") of the Corporate Debtor was initiated vide order dated 25.01.2019 by this Hon'ble Tribunal, pursuant to a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016, filed by Ms. Kiran Malhotra, Financial Creditor. Mr. Pramod Goel was appointed as Interim Resolution Professional, and a public announcement in Form A was issued on 31.01.2019. An appeal by the shareholders of the Corporate Debtor before the Hon'ble National Company Law Appellate Tribunal resulted in a temporary settlement, but default by the erstwhile management led to the revival of CIRP vide order dated 01.10.2020. The Applicant herein, Mr. Devendra Singh, was appointed as Resolution Professional by the Committee of Creditors on 23.10.2020, which was confirmed by this Hon'ble Tribunal vide order dated 24.11.2020.

In accordance with Sections 20(2)(a) and 25(2)(d) of the Insolvency and Bankruptcy Code, 2016, the Applicant appointed M/s. PVRN & Co., Chartered Accountants, as Transaction Auditor to identify transactions falling within the ambit of Sections 43, 45, 50, and 55 of the Code. Based on the Transaction Audit Report placed before the Committee of Creditors on 27.07.2021, the Applicant filed I.A. No. 4185 of 2021 on 13.09.2021 before this Hon'ble Tribunal. The said application was listed on 21.09.2021, and notices were issued to the Respondents. However, adjudication was deferred due to a pending Writ Petition No. 1389/2017 before the Hon'ble Calcutta High Court, which imposed an interim stay vide order dated 16.09.2021, restraining this Hon'ble Tribunal from passing final orders.

The said I.A. No. 4185 of 2021 was listed on 10.01.2023 and 21.04.2023, wherein this Hon'ble Tribunal, on the request of the Learned Counsel for the Applicant, adjourned the matter in view of the stay order by the Hon'ble Calcutta High Court and the pendency of Criminal Misc. Application No. 5231/2022 before the Hon'ble Delhi High Court. Vide order dated 08.05.2023, while addressing a correction pertaining to the order dated 21.04.2023, this Hon'ble Tribunal inadvertently recorded that I.A. No. 4185 of 2021 was "disposed of," despite no substantive hearing or adjudication on its merits. Consequently,

vide order dated 07.06.2023, this Hon'ble Tribunal directed the Registry not to list I.A. No. 4185 of 2021, under the erroneous assumption of its disposal.

It is most respectfully submitted that the recording of I.A. No. 4185 of 2021 as "disposed of" in the order dated 08.05.2023 constitutes an inadvertent error apparent on the face of the record, as the application was merely adjourned to await the outcome of the pending writ petitions. The Applicant submits that I.A. No. 4185 of 2021 raises substantive issues concerning avoidance transactions, which are critical to the CIRP and require due consideration by this Hon'ble Tribunal. The present application is filed within the limitation period of two years prescribed under Section 420(2) of the Companies Act, 2013, as the order sought to be rectified was passed on 08.05.2023, and this application is preferred on 05.05.2025.

The Applicant further submits that the balance of convenience lies in favour of allowing the present application, and grave loss and prejudice would be caused to the CIRP and stakeholders if I.A. No. 4185 of 2021 is not heard and decided on merits. The application is bona fide and filed in the interest of justice to ensure the integrity of the insolvency resolution process. The Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to rectify the order dated 08.05.2023 by deleting the sentence "IA disposed of" and issue directions for listing I.A. No. 4185 of 2021 for adjudication in CP (IB) No. 1082/ND/2018.

LIST OF DATES AND EVENTS

Date	Event
25.01.2019	Hon'ble NCLT, New Delhi Bench – VI, admitted the Corporate Debtor, M/s. Alchemist Township (India) Limited, into Corporate Insolvency Resolution Process (CIRP) vide order in CP (IB) No. 1082/ND/2018. Mr. Pramod Goel appointed as Interim Resolution Professional (IRP).
31.01.2019	IRP issued Public Announcement in Form A as per Section 15 of the Insolvency and Bankruptcy Code, 2016, and Regulation 6 of CIRP Regulations.
01.03.2019	Hon'ble NCLAT set aside the CIRP admission order due to a settlement between parties, granting liberty to the Financial Creditor to revive the application upon failure of cheque encashment.
01.10.2020	Hon'ble NCLT revived the CIRP of the Corporate Debtor due to default by the erstwhile management, directing Mr. Pramod Goel (IRP) to proceed as per law.
23.10.2020	Committee of Creditors (CoC) appointed Mr. Devendra Singh as Resolution Professional (RP) for the Corporate Debtor in its first meeting.
24.11.2020	Hon'ble NCLT confirmed the appointment of Mr. Devendra Singh as RP for the Corporate Debtor.
27.07.2021	Transaction Audit Report by M/s. PVRN & Co., Chartered Accountants, identifying avoidance transactions, presented to CoC during its 4th meeting.
13.09.2021	RP filed avoidance application I.A. No. 4185 of 2021 before Hon'ble NCLT under Sections 43, 45, 50, and 55 of the Insolvency and Bankruptcy Code.
16.09.2021	Hon'ble High Court of Calcutta passed an interim stay order in Writ Petition No. 1389/2017, restraining NCLT from passing final orders during the pendency of the Writ Petition.
21.09.2021	I.A. No. 4185 of 2021 listed before Hon'ble NCLT; notice issued to the Respondent. Hearing deferred due to pendency of Writ Petition No. 1389/2017 in Calcutta High Court.
10.01.2023	I.A. No. 4185 of 2021 listed for hearing; adjourned to 20.03.2023 due to the interim stay order by Calcutta High Court in Writ Petition No. 1389/2017.
21.04.2023	I.A. No. 4185 of 2021 listed; hearing deferred due to the operational stay by Calcutta High Court and pendency of Writ Petition No. 10566/2022 before Delhi High Court.
08.05.2023	Hon'ble NCLT passed an order addressing a correction sought for the order dated 21.04.2023 but inadvertently marked I.A. No. 4185 of 2021 as "disposed of," despite the matter being sub-judice and adjourned pending outcomes of Writ Petitions.
07.06.2023	Hon'ble NCLT, assuming I.A. No. 4185 of 2021 was disposed of vide order dated 08.05.2023, directed the Registry not to list the I.A. again.
06.05.2025	RP filed the present application (I.A. No. ___ of 2025) under Section 420(2) of the Companies Act, 2013, and Rule 11 of NCLT Rules, seeking rectification of the order dated 08.05.2023 and listing of I.A. No. 4185 of 2021 for hearing.

**BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL,
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MS. KIRAN MALHOTRA ... FINANCIAL CREDITOR

VERSUS

M/S. ALCHEMIST TOWNSHIP (INDIA) LIMITED
...CORPORATE DEBTOR

AND IN THE MATTER OF:
DEVENDRA SINGH
RESOLUTION PROFESSIONAL
FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED ... APPLICANT

APPLICATION ON BEHALF OF DEVENDRA SINGH, RESOLUTION PROFESSIONAL FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED UNDER SECTION 420(2) OF THE COMPANIES ACT, 2013 READ WITH RULE 11 OF THE NATIONAL COMPANY LAW TRIBUNAL RULES, 2016 SEEKING CORRECTION OF THE ORDER DATED 08.05.2023 AND LISTING OF I.A. 4185 OF 2021 AS FILED IN THE CAPTIONED PETITION

MOST RESPECTFULLY SHOWETH: -

1. That the present application is being filed by Mr. Devendra Singh, Resolution Professional (hereinafter referred to as **"RP/Applicant"**) for M/s. Alchemist Township (India) Limited (hereinafter referred to as **"Corporate Debtor"**) under Section 420(2) of the Companies Act, 2013 read with Rule 11 of the National Company Law Tribunal Rules, 2016 (hereinafter referred to as **"NCLT Rules"**) seeking rectification in the order dated 08.05.2023 and listing of I.A. No. 4185 of 2021 which has been erroneously disposed of vide order dated 08.05.2023, thereby directions to the Registry for listing of I.A. No. 4185 of 2021 as filed during the next date of hearing. Copy of the order dated 08.05.2023 is annexed herewith and marked as **ANNEXURE A-1**.

2. The rectification as sought in the present case is pertaining to deletion of last sentence of order dated 08.05.2023 which has inadvertently creeped in and read as follows:



IA/4185/2021

We have heard the Ld. Counsel for the Applicant as well as Ld. Counsel for the Respondent. It is submitted by the Ld. Counsel that the Writ Petition No. 1389/2017 which has been filed in the Hon'ble Calcutta High Court is still pending and that stay order by the Hon'ble Delhi High Court on 16.09.2021 is still in operation. Mr. Karan Grover, Ld. Counsel for the Resolution Professional has submitted that his client has also filed Writ Petition before the Hon'ble Delhi High Court bearing Writ Petition No. 5231/2022 in the case of Mr. Devendra Singh V/s Enforcement of Director. The Ld. Counsel has submitted that the present matter be adjourned by 8 weeks to await the outcome of the matter pending before the Hon'ble Calcutta High Court as well as Hon'ble Delhi High Court, however the matter is adjourned by 4 weeks. List on ***07.06.2023*** *alongwith all the IAs.*

IA disposed of.

3. That this Hon'ble Tribunal vide order dated 07.06.2023 pursuant to order dated 08.05.2023, inadvertently directed the Registry to not to list the I.A. No. 4185 of 2021, assuming that the said application was disposed of vide order dated 08.05.2023. Although the said application was filed by the Applicant against the Avoidance Transactions carried out by the Corporate Debtor and the substantive issues raised therein remain pending adjudication on merits. Copy of the order dated 07.06.2023 is annexed herewith and marked as **ANNEXURE A-2**.

JURISDICTION OF THE BENCH: -

4. That the Applicant declares that the subject matter of the Application filed by the Applicant is within the jurisdiction of this Hon'ble Adjudicating Authority as *the Section 7 petition filed by Ms. Kiran Malhotra is pending before this bench of Hon'ble NCLT.*



LIMITATION:

5. That the present application is being filed under Section 420(2) of the Companies Act, 2013 read with Rule 11 of the NCLT Rules. That the present application is within the prescribed limitation of 2 years, as the order qua which the rectification is sought was passed on 08.05.2023 and the present application is being filed on 06.05.2025. Hence, the application is within limitation and is maintainable.

BRIEF FACTS OF THE CASE: -

6. That the Corporate Insolvency Resolution Process (hereinafter referred to as **"CIRP"**) in the present matter was initiated by this Hon'ble Tribunal vide its order dated 25.01.2019 and Mr. Pramod Goel bearing Reg. No. IBBI/IPA-001/IP-P00282/2017-2018/10526 was appointed as Interim Resolution Professional (hereinafter referred to as **"IRP"**) of the Corporate Debtor. Copy of the order dated 25.01.2019 admitting the Corporate Debtor into CIRP is annexed herewith and marked as **ANNEXURE A-3**.

7. Accordingly, the IRP in terms of the provision of Section 15 of the Code read with Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter referred to as **"CIRP Regulations"**), issued a Public Announcement dated 31.01.2019 in Form A. Copy of the Form A dated 31.01.2019 is annexed herewith and marked as **ANNEXURE A-4**.

8. Subsequently, the shareholders of the Corporate Debtor *Alchemist Infra Venture Ltd.* filed an appeal before the Hon'ble NCLAT, New Delhi against the initiation of CIRP against the Corporate Debtor by the Hon'ble NCLT, New Delhi. The Hon'ble NCLAT vide its order dated 01.03.2019 recorded that as settlement has been concluded between the parties, the admission order be set aside, with liberty being granted to financial creditor to revive the captioned application upon failure of the encashment of cheques. Thereafter the erstwhile management of the

Corporate Debtor defaulted which resulted in reinstating the captioned application vide order dated 01.10.2020 and CIRP was revived directing Mr. Pramod Goel (IRP) to proceed according to law. Copy of the orders dated 01.03.2019 as passed by the Hon'ble NCLAT is annexed herewith and marked as **ANNEXURE A-5**. Copy of the order dated 01.10.2020 as passed by the Hon'ble NCLT reviving CIRP of the Corporate Debtor is annexed herewith and marked as **ANNEXURE A-6**.

9. That the Applicant herein i.e. Mr. Devendra Singh was appointed as the RP of the Corporate Debtor by the Committee of Creditors (hereinafter referred to as **"CoC"**) in its first meeting dated 23.10.2020. The said appointment was subsequently confirmed by this Hon'ble Tribunal vide order dated 24.11.2020. Subsequently, the Applicant took charge, control and management of the Corporate Debtor in accordance with the provisions mentioned under Section 25 of the Code and rules and regulations framed there under. Copy of the order dated 24.11.2020 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE A-7**.

10. That the Applicant in accordance with Section 20(2)(a) read with Section 25(2)(d) of the Code and in accordance with rules and regulations made thereunder, appointed M/s. PVRN & Co., Chartered Accountants as Transaction Auditor to carry out the transaction audit for identification of the transactions falling within the ambit of Section 43, 45, 50 & 55 of the Code. The Transaction Audit Report submitted by the aforementioned auditor was placed before the CoC during the 4th meeting held on 27.07.2021 and accordingly, avoidance application bearing I.A. No. 4185 of 2021 dated 13.09.2021 was filed before this Hon'ble Tribunal by the Applicant herein.

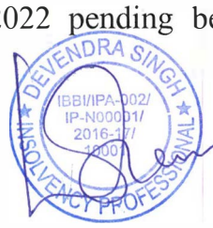
11. That the said avoidance application bearing I.A. No. 4185 of 2021 was first listed before this Hon'ble Tribunal on 21.09.2021, wherein this Hon'ble Tribunal was pleased to issued notice against the Respondent. Thereafter, the aforesaid application was deferred due to pendency of Writ Petition No. 1389/2017 being

pending before the Hon'ble Calcutta High Court. Copy of the order dated 21.09.2021 is annexed herewith and marked as **ANNEXURE A-8**.

12. Thereafter the captioned application bearing IA No. 4185 of 2021 was listed for hearing on 10.01.2023, wherein Ld. Counsel for the RP sought an adjournment in view of the interim stay order passed by the Hon'ble High Court of Calcutta in Writ Petition No. 1389 of 2017, vide order dated 16.09.2021, whereby this Hon'ble Tribunal was restrained from passing any final order in the matter during the pendency of the said Writ Petition. Considering the aforesaid, this Hon'ble Tribunal was pleased to adjourn the matter to 20.03.2023. Copy of the order dated 16.09.2021 passed by the Hon'ble High Court of Calcutta is annexed herewith and marked as **ANNEXURE A-9**. Copy of the order dated 10.01.2023 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE A-10**.

13. Subsequently, the aforesaid application came up for hearing before this Hon'ble Tribunal on 21.04.2023 wherein again this Hon'ble Tribunal on request for Ld. Counsel for the Applicant was pleased to defer the said application bearing I.A. No. 4185 of 2021 on account of stay order passed by Calcutta High Court being operational and pendency of another Writ Petition bearing 10566 of 2022 being pending before the Hon'ble High Court of Delhi. Copy of the order dated 21.04.2023 is annexed herewith and marked as **ANNEXURE A-11**.

14. That vide order dated 08.05.2023, this Hon'ble Tribunal considered a correction sought by the Ld. Counsel for the Resolution Professional in respect of an earlier order dated 21.04.2023. However, due to an inadvertent error, I.A. No. 4185 of 2021 was marked as "disposed of" even though the matter pertaining to the said I.A. is still sub-judice before this Hon'ble Tribunal and was only adjourned for awaiting outcome of Writ Petitions pending before the Hon'ble High Court of Calcutta and Criminal Misc. Application No. 5231/2022 pending before the Hon'ble High Court of Delhi.



15. Subsequently, on 07.06.2023, this Hon'ble Tribunal observed that the said IA No. 4185 of 2021 stood already disposed of vide order dated 08.05.2023 and directed the Registry not to list the said I.A. again before this Hon'ble Tribunal. The said disposal appears to be inadvertent and mistaken, as the said I.A. had not been substantively heard or decided on merits.

16. That in term of the provision envisaged under Section 420(2) of the Companies Act, 2013, this Hon'ble Tribunal has the power to amend any order passed by it with a view to rectifying any mistake apparent from the record. The said provision empowers this Hon'ble Tribunal to make such amendment at any time within two (2) years from the date of the order, either on its own motion or when the mistake is brought to its notice by the parties. Section 420 of the Companies Act, 2013 is provided herewith for ready reference:

> ***420. Orders of Tribunal:***
> *(1) The Tribunal may, after giving the parties to any proceeding before it, a reasonable opportunity of being heard, pass such orders thereon as it thinks fit.*
> *(2) The Tribunal may, at any time within two years from the date of the order, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:*
> ***Provided** that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act.*
> *(3) The Tribunal shall send a copy of every order passed under this section to all the parties concerned.*

17. In the light of the above-mentioned facts and circumstances, it is evident that I.A. No. 4185 of 2021 was neither heard nor adjudicated on merits and was inadvertently marked as disposed. The said disposal is a clear case of error apparent on face of record and accordingly, warrants appropriate orders for listing of I.A. No. 4185 of 2021. The said application raises substantive issues concerning avoidance transactions which are crucial and require due consideration by this Hon'ble Tribunal.



18. That it is submitted that proceedings are as on date, Criminal Misc. Application No. 5231 of 2022 is pending before the Hon'ble High Court of Delhi. Copy of the last order passed by the Hon'ble High Court is annexed herewith and marked as **ANNEXURE A-12**.

19. That the balance of convenience lies in favour of the Applicant and grave loss and prejudice shall be caused in case I.A. No. 4185 of 2021 which is against avoidable transactions is not heard and decided on merits.

20. That the present application is *bonafide* and filed in the interest of justice.

PRAYER

In view of the foregoing facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

a) Allow the present application;

b) Rectify the order dated 08.05.2023 passed by this Hon'ble Tribunal, removing the last sentence of order dated 08.05.2023 which read as *"I.A.disposed of"*;

c) Pass appropriate directions for listing of I.A. No. 4185 of 2021 in CP(IB) No. 1082/ND/2018;

d) Pass such other and further order(s) as may be deemed just and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DEVENDRA SINGH ★ INSOLVENCY PROFESSIONAL ★ IBBI/IPA-002/IP-N000001/2016-17/10001

APPLICANT

FILED THROUGH:

VARSHA BANERJEE/VISHAWJEET SINGH
DHIR & DHIR ASSOCIATES
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DATE: 06.05.2025
PLACE: NEW DELHI

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...CORPORATE DEBTOR

AND IN THE MATTER OF:
DEVENDRA SINGH
RESOLUTION PROFESSIONAL
FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED ... APPLICANT

AFFIDAVIT

I, Devendra Singh, S/o Late Shri Daryao Singh, aged about 60 years, Resolution Professional for M/s. Alchemist Township (India) Limited having office at Assotech Business Cresterra, Office No.216, 2nd Floor, Tower-1, Sector-135, Noida, Uttar Pradesh - 201305, presently in New Delhi do hereby solemnly affirm and declare as under:

1. That I am the Resolution Professional of Alchemist Township (India) Limited and am duly authorized to make this affidavit. Even otherwise, I am well conversant with the facts and circumstances of the case and hence competent to swear the present affidavit.

2. That I have read and understood the contents of the present application which has been drafted by the Counsel under my instructions and I say that the facts stated therein are true and correct to the best of my knowledge based on the records, contents whereof are not repeated for the sake of brevity and may be read as part and parcel of this affidavit. No part of it is false and nothing material has been concealed therefrom.

IDENTIFIED
MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

DEVENDRA SINGH ISBI/IPA-002/IP-N000001/2016-17/10001 INSOLVENCY PROFESSIONAL

DEPONENT

VERIFICATION

06 MAY 2025

Verified at Delhi on this 06 day of May, 2025 that the contents of this affidavit are as true and correct to my knowledge and nothing is false and no material fact has been concealed there-from.

NOTARY PUBLIC ★ MINATI RANI MOHAPATRA ★
App By Govt. of India
Regd. No. 16971
Area Delhi / NCR
Juris Extd. Whole India
Expiry Date
1 Feb 2030

ATTESTED
MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No.

06 MAY 2025

DEVENDRA SINGH ISBI/IPA-002/IP-N000001/2016-17/10001 INSOLVENCY PROFESSIONAL

DEPONENT

ANNEXURE A-1

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 103
IB-1082/PB/2018

IN THE MATTER OF:
Ms. Kiran Malhotra **...PETITIONER**

Vs.

M/s. Alchemist Township India Ltd. **...RESPONDENT**

Section
U/s 7 of IB Code, 2016 **Order delivered on 08.05.2023**
(Virtual Hearing)

Coram:
SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the RP **:**Adv Varsha Banerjee and Karan Grover
For the Respondent/Corporate Debtor **:**

ORDER

IA/2581/2023

The instant application is being filed by the Applicant (Resolution Professional) under section 60(5) r/w Section 12(3) of Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 11 of the NCLT Rules 2016 and Regulation 40 of IBBI (Insolvency Resolution Process for Corporate Person) Regulations 2016 seeking exclusion of 161 days from the total CIRP period (ending on 21.04.2023) as approved by majority of the members of the Committee of Creditors (CoC) in the 17th Meeting of the CoC held on 15.04.2023.

It is submitted that some applications are pending before the Hon'ble High Court of Delhi arising out of proceeding under the PMLA and due to that reason the present application seeking exclusion of time period of 161 days i.e. w.e.f. 12.11.2022 to 21.04.2023 has been filed. Having heard the submissions made

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by Ld. Counsel we direct that the period of 161 days be excluded from the CIRP period from today. IA **disposed** of.

IA/4185/2021

It is submitted by Ld. Counsel for the Applicant that there is an inadvertent error in the order dated 21.04.2023 passed by this tribunal wherein the number of the writ petition pending before High Court of Delhi is wrongly mentioned as 10566/2022 instead of Criminal Misc. Application No. 5231/2022. The Correct order read as followed:-

IA/4185/2021

We have heard the Ld. Counsel for the Applicant as well as Ld. Counsel for the Respondent. It is submitted by the Ld. Counsel that the Writ Petition No. 1389/2017 which has been filed in the Hon'ble Calcutta High Court is still pending and that stay order by the Hon'ble Delhi High Court on 16.09.2021 is still in operation. Mr. Karan Grover, Ld. Counsel for the Resolution Professional has submitted that his client has also filed Writ Petition before the Hon'ble Delhi High Court bearing Writ Petition No. 5231/2022 in the case of Mr. Devendra Singh V/s Enforcement of Director. The Ld. Counsel has submitted that the present matter be adjourned by 8 weeks to await the outcome of the matter pending before the Hon'ble Calcutta High Court as well as Hon'ble Delhi High Court, however the matter is adjourned by 4 weeks. List on ***07.06.2023*** *alongwith all the IAs.*

IA **disposed** of.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)

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(Annu)

ANNEXURE A-2

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 608
IB-1082/PB/2018

IN THE MATTER OF:
Ms. Kiran Malhotra **...PETITIONER**

Vs.

M/s. Alchemist Township India Ltd. **...RESPONDENT**

Section
U/s 7 of IB Code, 2016 **Order delivered on 07.06.2023**
(Virtual Hearing)

Coram:
SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the Petitioner/Financial Creditor :
For RP :Mr. Varsha Banerjee and Mr. Karan Grover, Advs.

ORDER

IA/4185/2021

This application has already been disposed off vide order dated 08.05.2023 and has been wrongly listed. The Registry is directed to take note of it and not to list this IA again.

IA/4536/2021

It has been brought to our notice by Ld. Counsel appearing for the Resolution Professional that vide order dated 10.01.2023 passed by the Principal Bench, it was directed that in view of the pendency of proceeding before the Hon'ble Calcutta High Court in W.P.A-1389/2012 no final order shall be passed by this Tribunal. In view of the submission made by the Ld. Counsel, the matter is adjourned to **28.08.2023** alongwith IAs.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)

(Mohit)

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ANNEXURE A-3

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

C.P. NO. IB-1082(PB)/2018

IN THE MATTER OF:
Kiran Malhotra .....**Financial Creditor/Petitioner**
v.
Alchemist Township India Limited
.....**Corporate Debtor/Respondent**

SECTION: Under Section 7 of The Insolvency and Bankruptcy Code, 2016

Judgment delivered on 25.01.2019

Coram:

CHIEF JUSTICE (RTD.) M.M. KUMAR
HON'BLE PRESIDENT

DR. DEEPTI MUKESH
HON'BLE MEMBER (J)

PRESENTS:

For the Petitioner: Mr. Prem Kumar Chugh, Advocate
For the Respondent: Ms. Sonia Dube & Ms. Harshita Verma, Advocates

M.M. KUMAR, PRESIDENT

JUDGMENT

Ms. Kiran Malhotra claiming himself to be a 'financial creditor' has invoked the provisions of Section 7 of the Insolvency and Bankruptcy Code, 2016 (for brevity 'the Code') read with rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity 'the Rules') with a prayer for initiation of Corporate Insolvency Resolution Process in respect of

30/01/2019

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respondent company, Alchemist Township India Limited, who is stated to be the corporate debtor.

2. The Respondent company-the Corporate Debtor, Alchemist Township India Limited (CIN U70100DL2006PLC263246) was incorporated on 04.07.2006 under the provisions of the Companies Act, 1956. The registered office of the respondent corporate debtor is situated at Flat No. 1511, Front Portion, Hemkunt Chambers, 89, Nehru Place, New Delhi-110019. Its authorized share capital is Rs. 50,000,000/- divided into 5,000,000 equity shares of Rs. 10 each and the paid up share capital is Rs. 1,00,00,000/- divided into 1,000,000 equity shares of Rs. 10 each which is based on the details given in master data obtained from the official website of Registrar of Companies (AnnexureA-6). Since the registered office of the respondent corporate debtor is in Delhi, this Tribunal being Adjudicating Authority has territorial jurisdiction in respect of respondent corporate debtor as per the provisions of sub-section (1) of Section 60 of the Code.

3. The 'Financial Creditor'-Petitioner has proposed the name of Resolution Professional, Shri Parmod Goel, Nil 26-AB, First Floor, Malviya Nagar, New Delhi-110017, email id –

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pramodgoel@yahoo.co.in. He has registration No. IBBI/IPA-001/IP-P00282/2017-18/10526. A written communication sent by him in terms of Rule 9(1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 has also been placed on record (Annexure A-4). There is a declaration made by him that no disciplinary proceedings are pending against him in Insolvency and Bankruptcy Board of India or ICAI. In addition, further necessary disclosures have been made by Mr. Parmod Goel, as per the requirement of the IBBI Regulations. Accordingly, he satisfies the requirement of Section 7 (3) (b) of the Code.

4. It is the case of the petitioner that she submitted an application form dated 15.06.2013 (Annexure A-5) before the Respondent expressing her interest to purchase a plot/unit in the housing project at Park Avenue, Talwani Bhai, Tehsil Zeera, District Ferozepur, Punjab which was proposed to be constructed by the respondent company. The booking amount of Rs. 6,50,000/- was paid by the petitioner to the Respondent vide cheque No. 109633 dated 12.06.2013 drawn on Jammu and Kashmir Bank Ltd. along with the aforesaid application.

5. The Respondent issued a letter dated 06.07.2013 (Annexure A-7) while accepting the offer made by the petitioner wherein

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certain commitments were made. It would be beneficial to read the aforesaid reply of the Respondent Company which is set out below verbatim:

> *"We are in receipt of your application dated 15.06.2013 expressing your interest to acquire plot/villa/apartment in our housing project at Park Avenue, Talwandi Bhai, Tehsil:Zeera, Dist: Firozpur, Punjab been allotted Customer ID No. TL00011449*
>
> *Please quote this Customer ID for all your future correspondence.*
>
> *We have also noted your request to offer you plot/villa/apartment in our other projects for a period of Four Years in the event of it being not possible to offer the plot/villa/apartment in the Project as applied for.*
>
> *In the event of your not accepting allotment of plot/villa/apartment offered to you by us, from time to time for any reason whatsoever, we shall refund the amounts received, together with compensation assessed by us, depending upon appreciation in the value of Real Estate, which in any event, shall not be less than Rs. 975000/- (Nine Lakh Seventy Five Thousand Only)*
>
> *subject to deduction of applicable taxes and administrative costs, if any. Our decision with regard to the amount of compensation will be final.*
>
> *Prior to the expiry of the period as aforesaid, you may obtain refund of such amount, as may be mutually agreed, after deduction of applicable taxes and administrative costs, if any.*

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You shall cease to receive any offer on and from 10/06/2017

Our decision with regard to the amount of compensation will be final and binding.

Yours faithfully,
For Alchemist Township India Limited,

(C.S. JOLLY)
Director

A close glance on the aforesaid reply makes it patent that the respondent company highlighted its wish to accept the offer of the petitioner with further promise that if the Respondent Company failed to offer the promised plot/unit to the petitioner in the aforesaid project then petitioner would be accommodated in the other project of the respondent Company. It was also contemplated that if petitioner does not accept allotment of plot offered by the Respondent Company, from time to time for any reason, then Respondent Company was bound to refund the amount received by it together with compensation, depending upon the appreciation in the value of Real Estate, which in any event, was not be less than as Rs. 9,75,000/-.

6. After lapse of sufficient long time, when no communication was received from the Respondent Company regarding status of

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the aforesaid project, the petitioner submitted a notice to the respondent seeking refund of the minimum assured amount of Rs. 9,75,000/- along with compensation appreciation in the value of real estate on the basis of commitment made by the Respondent Company (Annexure A-7). Again, a letter dated 21.09.2017 (Annexure A-8) was submitted by the petitioner in the office of the respondent situated at Chandigarh which was acknowledged by it by affixing a stamp and signature as well. Again another letter was sent by the petitioner on 27.12.2017 (Annexure A-9). Finally, a legal notice dated 15.02.2018 (Annexure A-10) was sent by the petitioner through his counsel seeking refund of Rs. 9,75,000/- along with interest @ 18% per annum w.e.f. 10.06.2017 and compensation as per the terms of letter dated 06.07.2013 (Annexure A-7) but all in vain. A copy of terms and conditions which were to be incorporated in the buyer agreement has been placed on record (Annexure A-12 at pg. 112-113).

7. It is claimed that the Respondent is liable to pay an amount of Rs. 11,62,520/- and interest @ 18% per annum w.e.f. 01.08.2018 to the petitioner.

8. After service of notice when the matter came up for consideration on 03.10.2018 learned counsel for the respondent

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sought time to file vakalatnama and reply. We granted two weeks' time for filing vakalatnama and reply. The matter was to be heard on 05.11.2018 when the matter was again posted for hearing on 12.11.2018. However, again time was sought and we granted one last opportunity to file reply within a week and fixed the matter for arguments on 17.12.2018. On 17.12.2018 we had saddled the respondent with cost of Rs. 20000/- on account of non-filing of reply and further granted a week's time for the said purpose and ordered listing of the matter on 24.01.2019.

9. Thereafter on 24.01.2019 neither the cost was paid nor any reply was filed by the Corporate Debtor inspite of direction issued by us on various occasions. Accordingly, we decided to proceed without reply. Accordingly, we heard the arguments and reserved the order.

10. Now we deal with the submissions made on behalf of the Financial Creditor.

11. According to the learned counsel there is no resistance nor the claim of the Financial Creditor in respect of 'unpaid debt' has been controverted. It must therefore be considered to have been admitted. We find substance in the submission.

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12. Learned Counsel for the petitioner has argued that all requirements of Section 7 of the Code for initiation of Corporate Insolvency Resolution Process by a Financial Creditor stand fulfilled. In that regard, he has submitted that the application is complete as per the requirements of Section 7 (2) of the Code and other conditions prescribed by Rule 4 (1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016. He has further submitted that the details of default along with its dates have been clearly stated in part IV along with all the minute details. There is overwhelming evidence to prove default and name of the resolution professional has also been clearly specified.

13. It is patent that an application form (Annexure A-5) expressing an interest to acquire the plot/unit in the proposed project of the Respondent Company was submitted by the petitioner on 15.06.2013. The booking amount of Rs. 6,50,000/- was paid along with the said application form. According to the letter dated 06.07.2013 (Annexure A-7) the Respondent Company proposed to offer a plot/unit to the petitioner either in the project for which application form was submitted by the petitioner or in the other projects. In the event the Respondent Company failed to do so, a further commitment was made, namely in case the

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petitioner does not accept the allotment of the alternative plot/unit offered by the Respondent Company for any reason then the petitioner would be entitled to refund of the amount received together with compensation depending upon appreciation in the value of Real Estate, which in any event, was not be less than Rs. 9,75,000/-. In the said letter it was also promised by the Respondent that the petitioner would receive the offer on and from 10.06.2017. The petitioner-allottee has not been paid any amount of compensation nor the status of the project is intimated to the petitioner.

14. Having heard the learned counsel for the petitioner it would first be necessary to examine the provisions of Section 7 (2) and Section 7 (5) of IBC which read as under:-

"Initiation of corporate insolvency resolution process by financial creditor.

7 (1) .....

7 (2) The financial creditor shall make an application under sub-section (1) in such form and manner and accompanied with such fee as may be prescribed.

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7 (3) .....

7 (4) .....

7 (5) Where the Adjudicating Authority is satisfied that—

(a) a default has occurred and the application under sub-section (2) is complete, and there is no disciplinary proceedings pending against the proposed resolution professional, it may, by order, admit such application; or

(b) ....."

15. A conjoint reading of the aforesaid provision would show that form and manner of the application has to be the one as prescribed. It is evident from the record that the application has been filed on the proforma prescribed under Rule 4 (2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 read with Section 7 of the Code. We are satisfied that a default amounting to lacs of rupees has occurred. As per requirement of Section 4 of the Code if default amount is one lac or more then the CIR Process would be issued. The application under sub section 2 of Section 7 is complete; and no disciplinary

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proceedings are pending against the proposed Interim Resolution Professional.

16. It is pertinent to mention here that clause (8) of Section 5 of the Code has been amended by the Insolvency and Bankruptcy (amendment) Ordinance, 2018 with effect from 6th June, 2018. In view of the revised definition, any amount raised from an allottee under a real estate project is deemed to be an amount having the commercial effect of a borrowing and thus is covered by the definition of 'Financial Debt' under the Code. Definition of 'Financial Debt' has been amended to specifically include dues of home buyer i.e. Real Estate (Residential). The amendment also recognizes home buyer as "Financial Creditor". Accordingly, the home buyer can initiate Corporate Insolvency Resolution Process against defaulting builder or developer, as "Financial Creditor" in terms of Explanation to Section 5 (8) (f) of the Code with effect from 06.06.2018.

17. In light of the aforesaid facts it is patent the petitioner is thus covered by the expression 'Financial Creditor' as has been used in the amended definition of Section 5 (8) (f) of the Code and the explanation appended thereto. In that regard we draw support

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from the observations made by Hon'ble the Appellate Tribunal in the case of ***Rajendra Kumar Saxena V. Earth Gracia Buildcon Pvt. Ltd.*** passed in Appeal (AT) (Insolvency) No. 187/2018 wherein it has been held as under:

> *"By the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2018 No. 6 of 2018 dated 6th June, 2018 followed by the Act, in clause (8), in Sub-clause (f), of Section 5 an explanation has been inserted as per which any amount raised from an allottee under a real estate project shall be deemed to be an amount having the commercial effect of a borrowing.* ***Thereby, after amendment of the Act, the allottees of real estate project have been treated as 'Financial Creditors'.***"
> (Emphasis supplied).

A bare perusal of the aforesaid paragraph of the judgment would show that even without any element of 'assured return' an allottee in the real estate project has to be regarded as a 'Financial Creditors'. The petitioner eminently fulfills the aforesaid condition.

18. The amount has been raised from the petitioner/allottee under a real estate project. In such a situation not only the debt

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has a commercial effect of borrowings and come within the scope of 'financial debt' but also the petitioner is covered by the definition of expression 'financial creditor'.

19. Therefore, petitioner being financial creditor can invoke Corporate Insolvency Resolution Process under Section 7 of the code against the respondent corporate debtor in case of default in repayment of financial debt.

20. As a sequel to the aforesaid discussion and the material placed on record it is confirmed that applicant-financial creditor had disbursed the money to the respondent corporate debtor as consideration for purchase of a residential flat. A considerable long period has lapsed, the principal amount disbursed has not been refunded by the respondent corporate debtor as per the commitment made by it in the letter Annexure A-7. It is accordingly held that respondent corporate debtor has committed default in repayment of the outstanding financial debt which exceeds the statutory limit of rupees one Lakh. Thus, the application warrant admission as it is complete in all respects.

21. Accordingly, in terms of Section 7 (5) (a) of the Code, the present application is admitted.

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22. Mr. Parmod Goel, Nil 26-AB, First Floor, Malviya Nagar, New Delhi-110017, email id – pramodgoel@yahoo.co.in, Registration No. IBBI/IPA-001/IP-P00282/2017-18/10526 is appointed as an Interim Resolution Professional.

23. In pursuance of Section 13 (2) of the Code, we direct that Interim Insolvency Resolution Professional to make public announcement immediately with regard to admission of this application under Section 7 of the Code. The expression 'immediately' means within three days as clarified by Explanation to Regulation 6 (1) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

24. We also declare moratorium in terms of Section 14 of the Code. A necessary consequence of the moratorium flows from the provisions of Section 14 (1) (a), (b), (c) & (d) and thus 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 corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;

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(b) transferring, encumbering, alienating or disposing of by the corporate debtor 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 corporate debtor in respect of its property including any action under the Securitisation 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 corporate debtor."

25. It is made clear that the provisions of moratorium shall not apply to such transactions which might be notified by the Central Government in consultation with any financial regulator. 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

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(Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

26. The Interim Resolution Professional shall perform all his functions religiously and strictly which are contemplated, *interalia*, by Sections 15, 17, 18, 19, 20 & 21 of the Code. He must follow best practices and principles of fairness which are to apply at various stages of Corporate Insolvency Resolution Process. His conduct should be above board & independent; and he should work with utmost integrity and honesty. It is further made clear that all the personnel connected with the Corporate Debtor, erstwhile directors, promoters or any other person associated with the Management of the Corporate Debtor are under legal obligation under Section 19 of the Code to extend every assistance and cooperation to the Interim Resolution Professional as may be required by him in managing the affairs of the Corporate Debtor. In case there is any violation committed by the ex-management or any tainted/illegal transaction by ex-directors or anyone else the Interim Resolution Professional/Resolution Professional would be at liberty to make appropriate application to this Tribunal with a prayer for passing an appropriate order. The Interim Resolution Professional/Resolution Professional shall be under a duty to

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protect and preserve the value of the property of the 'Corporate Debtor' as a part of its obligation imposed by Section 20 of the Code and perform all his functions strictly in accordance with the provisions of the Code.

27. Before parting we wish to observe about the approach adopted by the Corporate Debtor-Respondent. In that regard it would be appropriate to refer to the orders granting time to the Corporate Debtor-Respondent for filing reply. The aforesaid position would become evident from a series of orders dated 03.10.2018, 12.11.2018, 17.12.2018 & 24.01.2019 which are set out below:-

Order dated 03.10.2018

"Ld. Counsel for the respondent seeks and is granted two weeks time to file vakalatnama and reply.

Rejoinder, if any, be filed within one week thereafter with a copy in advance to the counsel opposite.

List for further consideration on 05.11.2018.

Order dated 12.11.2018

One last opportunity granted to file reply within a week with a copy in advance to the counsel for the petitioner. Vakalatnama and resolution of the respondent company may also be filed before the next date of hearing.

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Rejoinder, if any, be filed within one week thereafter with a copy in advance to the counsel opposite. If the reply is not filed then no further adjournment shall be granted and the same shall proceed on merit.

List for arguments on 17.12.2018.

Order dated 17.12.2018

Despite last opportunity granted on 12.11.2018 reply has not been filed and further time has been sought. Let reply be now filed within one week with a copy in advance to the counsel for the petitioner which shall be subject to payment of Rs. 20,000/- as cost to be payable to the petitioner.

Rejoinder, if any, be filed within one week with a copy in advance to the counsel opposite.

List for arguments on 24.01.2019.

Order dated 24.01.2019

On 17.12.2018 the following order was passed:-

"Despite last opportunity granted on 12.11.2018 reply has not been filed and further time has been sought. Let reply be now filed within one week with a copy in advance to the counsel for the petitioner which shall be subject to payment of Rs. 20,000/- as cost to be payable to the petitioner.

Rejoinder, if any, be filed within one week with a copy in advance to the counsel opposite."

It is seen from the reading of the order that despite the last opportunity granted on 12.11.2018 further time of one week was given to file reply. Over a period of one month is gone by but no reply has been filed nor the cost of Rs. 20,000/- has been paid. We do not see the possibility of granting any further time to file reply.

Arguments heard. Put up for order tomorrow i.e. 25.01.2019."

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The aforesaid details concerning the conduct of the Corporate Debtor-Respondent would reveal that a designed effort has been made to impede the insolvency proceedings by seeking time over and over again for filing reply. The leniency shown by the Bench has been misused. It was therefore, in these circumstances that the order dated 12.11.2018 was passed whereby direction was issued that in case reply was not filed then no further adjournment was to be granted and the matter was to proceed on merit. Further we had saddled the respondent with cost of Rs. 20000/- on account of non-filing of reply and granted a week time for the said purpose and ordered for listing the matter on 24.01.2019 but the position remains the same. We are constrained to observe that in some of the cases the Corporate Debtor-Respondent deliberately delay the proceedings so as to avoid the initiation of Corporate Insolvency Resolution Process. This case thus is a classic example of such a conduct. We say no more on this issue.

28. We direct the Financial Creditor to deposit a sum of Rs. 2 lacs with the Interim Resolution Professional namely Mr. Parmod Goel to meet out the expenses to perform the functions assigned to

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him in accordance with Regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Person) Regulations, 2016. The needful shall be done within three days from the date of receipt of this order by the Financial Creditor. The amount however be subject to adjustment by the Committee of Creditors as accounted for by Interim Resolution Professional and shall be paid back to the Financial Creditor.

29. The office is directed to communicate a copy of the order to the Financial Creditor, the Corporate Debtor, the Interim Resolution Professional and the Registrar of Companies, NCR, New Delhi at the earliest but not later than seven days from today. The Registrar of Companies shall update its website by updating the status of 'Corporate Debtor' and specific mention regarding admission of this petition must be notified.

-Sd/-
25.01.20

(M.M.KUMAR)
PRESIDENT

-Sd-

(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)

25.01.2019
(VINEET)

C.P. No.(IB)-1082(PB)/2018
KIRAN MALHOTRA V. ALCHEMIST TOWNSHIP INDIA LTD.

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Page 20 of 20
30/1/2019
V.V.B. RAJU
उप रजिस्ट्रार DEPUTY REGISTRAR
राष्ट्रीय कम्पनी विधि अधिकरण
NATIONAL COMPANY LAW TRIBUNAL
Block-3, 6th Floor, CGO COMPLEX
LODHI ROAD, NEW DELHI - 110003

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ANNEXURE A-4

FORM A
PUBLIC ANNOUNCEMENT
[Under regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016]

For the attention of the Creditors of M/s Alchemist Township India Ltd

Relevant particulars		
1.	Name of the corporate debtor	**M/s Alchemist Township India Ltd**
2.	Date of incorporation of corporate debtor	04.07.2006
3.	Authority under which corporate debtor is incorporated / registered	ROC-Delhi
4.	Corporate identity number / limited liability identification number of corporate debtor	U70100DL2006PLC263246
5.	Address of the registered office and principal office (if any) of corporate debtor	Flat No. 1511 (Front Portion), Hemkunt Chambers, 89 Nehru Place, New Delhi-110019
6.	Insolvency commencement date in respect of corporate debtor	25.01.2019
7.	Estimated date of closure of insolvency resolution Process	180 Days from the Date of Commencement of Insolvency Resolution Process which is 24.07.2019
8.	Name and Registration Number of the Insolvency Professional acting as Interim Resolution Professional	**Pramod Goel** **IBBI Registration No. :** IBBI/IPA-001/IP-P00282/2017-18/10526
9.	Address and Email of the Interim Resolution Professional, as registered with the Board	**NIL 26AB, First Floor, Malviya Nagar, New Delhi-110017** **Email Id: pramodgoel@yahoo.co.in**
10	Address and Email to be used for correspondence with the Interim Resolution Professional	B-220/2, Ist Floor, Right Side, Main Market, Savitri Nagar, Malviya Nagar, New Delhi-110017 Email :
11.	Last date for submission of claims	**13.02.2019** (Date of submission of claim has been taken as 14 days from the date of receipt of order to IRP on 30.01.2019)
12.	Class of Creditors, if any, under clause (b) of sub-section (6A) of Section 21, ascertained by the Interim Resolution Professional	Allottees under real estate project under section 5(8)(f) of Insolvency and Bankruptcy Code, 2016
13.	Name of Insolvency Professionals identified to act as Authorised Representative of creditors in a class (Three names for each class)	1. **Ram Kishore Maurya** 2. **Rakesh Kumar Gupta** 3. **Maya Gupta**

Pramod Goel

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14.	(a) Relevant Forms and (b)Details of Authorised Representatives are available at:	a) Weblink: www.ibbi.gov.in/downloadform.html b) 1. **Ram Kishore Maurya** **IBBI Registration No.** : IBBI/IPA-001/IP-P00624/2017-18/11080 53 A, Pocket-A, MIG Flats, GTB Enclave, Delhi-110093 2. **Rakesh Kumar Gupta** **IBBI Registration No.** : IBBI/IPA-001/IP-P00833/2017-18/11418 701, Vikrant Tower No.4 Rajendra Place, New Delhi-110008 3. **Maya Gupta** **IBBI Registration No.** : IBBI/IPA-002/IP-N00363/2017-18/11061 3685/7, Narang Colony, Tri Nagar Delhi-110035

Notice is hereby given that the National Company Law Tribunal, New Delhi Bench has ordered the commencement of a corporate insolvency resolution process of the M/s Alchemist Township India Ltd. on **25.01.2019** in **C.P (IB)-1082(PB)/2018.**

The creditors of **M/s Alchemist Township India Ltd**, are hereby called upon to submit a proof of their claims on or before **13.02.2019** to the interim resolution professional at the address mentioned against item 10.

The financial creditors shall submit their claims with proof by electronic means only. All other creditors may submit the claims with proofs in person, by post or by electronic means.

A financial creditor belonging to a class, as listed against the entry no. 12, shall indicate its choice of authorized representative from among the three insolvency professionals listed against entry no. 13 to act as authorized representative of class (specify class) in Form CA.

Submission of false or misleading proofs of claim shall attract penalties.

Pramod Goel
Interim Insolvency Professional
IBBI/IPA-001/IP-P00282/2017-18/10526

Date: 31.01.2019
Place: New Delhi

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ANNEXURE A-5

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 113 of 2019

IN THE MATTER OF:

Alchemist Infra Ventures Ltd. & Anr. **s**

Vs

Kiran Malhotra & Anr. **s**

Present:

For Appellants: **Mr. Anurag Singh, Advocate.**

For Respondents: **Mr. Prem Kumar Chugh, Advocate.**
Mr. Pramod Goyal, IRP in person.

O R D E R

01.03.2019: a shareholder of

dated 25th January, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi, whereby application under Section 7 o
admitted, order of moratorium has been passed and Interim Resolution Professional has been appointed.

2. Learned counsel appearing on behalf of the Appellant submits that the Committee of Creditors have not been constituted and before the same the parties have reached settlement. Terms of Settlement entered between the parties dated 27th February, 2019 has been filed.

3. Learned counsel appearing on behalf of the Financial Creditor accepts that in terms of settlement reached between the parties, the amount has been paid by way of cheque. Prayer has been made to allow the Respondent (Financial Creditor) to withdraw the application under Section 7 subject to encashment of the cheque.

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4. Mr. Pramod Goyal, Interim Resolution Professional has appeared and accepts that Committee of Creditors has not been constituted by the date the settlement has been reached. He has received only one claim that is of Ms. Kiran Malhotra (Financial Creditor). He further states that he has incurred a cost of about Rs.60,000/- and he is entitled for a fee of Rs.2 Lakhs.

5. Having heard learned counsel for the parties and following the decision of ***Vs. Union of*** *(at para 52)* as we find that the parties have reached settlement prior to constitution th January, 2019.

6. In effect, order(s) passed by the Interim

order(s) passed by the Adjudicating Authority pursuant to impugned order and action, if any, taken Interim advertisement published in the newspaper calling for applications all such orders and actions are declared illegal and are set aside. The application preferred by Respondent under Section 7 of the I&B Code, 2016 is dismissed. Learned Adjudicating Authority will now close the proceeding. The (Company) is released from all the rigour of law and is allowed to function independently through its Board of Directors from immediate effect.

7.

and cost of Rs.2,60,000/- (Rupees Two Lakh Sixty Thousand Only) in favour of Mr. Pramod Goyal, Interim Resolution Professional, for the period he has functioned, within four weeks.

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8. However, we make it clear that the amount payable in favour of Respondent
reason encashment not allowed, it will be open to Respondent
to revive the application under Section 7.

9. The appeal is allowed with aforesaid observations and directions.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc

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ANNEXURE A-6

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 6
(IB)-1082(PB)/2018

IN THE MATTER OF:
Kiran Malhotra .... Applicant/petitioner
Vs.
Alchemist Township India Ltd .... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016
Order delivered on 01.10.2020

Coram:
SHRI B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the applicant(s):- Mr. Vijay Nair, Mr. Manoranjan Sharma, Advs.
For the respondent Mr. Aabhas Kshetrapal, Adv. For CD

ORDER

IA-4063(PB)/2020:-

It is an application filed for the revival of the CP (IB)-1082(PB)/2018 based on the order dated 01.03.2019 passed by the Hon'ble Appellate Tribunal.

On perusal of this application, it appears that shareholders of the corporate debtor filed an appeal against the admission order dated 25.01.2019 before the Appellate Tribunal wherein the promoters/shareholders of the corporate debtor having given cheques to the applicant/financial creditor towards settlement of the claim, the Appellate Authority recorded the settlement arrived at and also mentioned that in the event the cheques are bounced, the applicant is at liberty to revive the company

TRUE COPY

petition, upon which, for the cheques given by the promoters have been bounced, the financial creditor has filed this application for revival of the original position. With regard to the IRP already appointed in this case, the applicant/financial creditor has stated that the earlier IRP is reluctant to continue, therefore he is hereby directed to file an application under Section 22 of the Code for appointment of another IRP in place of earlier IRP, till such time, the IRP already appointed shall resume his duties and continue until he is replaced by somebody else.

Accordingly, this application is hereby allowed.

Sd/-

(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT

Sd/-

(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)

01.10.2020
Aarti Makker

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ANNEXURE A-7

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 09
(IB)-1082(PB)/2018

IN THE MATTER OF:
Kiran Malhotra .... Applicant/petitioner
v.
Alchemist Township India Ltd. .... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code

Order delivered on 24.11.2020

CORAM:
SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the Applicant :Mr. P. Nagesh, with Mr. Karan Rajpurohit, Advs. in I.A. No. 5099 of 2020

ORDER

It is an application moved by the CoC for appointment of Mr. Devendra Singh bearing Registration No. IBBI/IPA-002/IP-N00001/2016-17/10001 as Resolution Professional in the place of Mr. Pramod Goel, IRP, based on the proposal made by the CoC vide resolution dated 23.10.2020, upon due consideration, this Bench hereby appoints Mr. Devendra Singh as Resolution Professional.

Accordingly, this IA-5099/2020 is hereby **allowed**.

Sd-

(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT

Sd-

(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)

24.11.2020
Deepak Kumar

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ANNEXURE A-8

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 07
(IB)-1086(PB)/2020

IN THE MATTER OF:

Kiran Malhotra ... Applicant/Petitioner

Vs

Alchemist Township India Ltd ... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016.

Order delivered on 21.09.2021

CORAM:
SH. BHASKARA PANTULA MOHAN
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the Applicant : Ms.PriyadarshiChaitanyashil,
Ms.SomyaJaitly in I.A 4190/2021.

ORDER

IA-4102/2021

Learned counsel for the respondent is directed to file reply before the next date of hearing.

List the matter for further consideration on 11.10.2021.

IA-4185/20201, IA-4190/2021

Issue Notice to the Respondent.

List the matter for further consideration on 11.10.2021.

Sd/-

(BHASKARA PANTULA MOHAN)
ACTG. PRESIDENT

Sd/-

(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)

21.09.2021
DPK

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ANNEXURE A-9

16.09.2021
Court No.1
Item No. 31,
70 & 91
SD & SB

WPA 1389 of 2017
Ajay Kumar Das & Ors.
-vs-
Union of India & Ors.
with
CAN/1/2017(Old No:CAN/4192/2017)
CAN/2/2017(Old No:CAN/7613/2017)
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CAN/679/2021, CAN/680/2021
with
WPA 20070 of 2018
CAN 1 of 2019 (Old CAN 106 of 2019)
Amarendranath Roy, Pres, INV. Welfare Ass. In Alchmist Group
-vs-
Union of India & Ors.
with
WPA 26915 of 2017
Alchemist Investors and Borker Welfare Association & Ors.
-vs-
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
... for the petitioner present on virtual mode.
Mr. Subhasis Chakraborty,
Mr.Arindam Das
Ms. Sushmita Kumari Singh, advocates
....for the petitioner present in Court in WPA 1389 of 2017.
Mr. Pradyut Kumar Das, advocate
....for the applicants/petitioners in Court in WPA 1389 of 2017 & CAN 272 of 2018, CAN 273 of 2018, CAN 561 of 2018, CAN 1764 of 2018 & CAN 1766 of 2018.
Mr. Y. J. Dastoor, Additional Solicitor General with
Mr. Phiroze Edulji, advocate
Ms. Amrita Pandey, advocate
Ms. Sumitra Das, advocate
.... for the UOI present in Court.
M/s. Prasanta Kumar Dutt and
Susanta Kumar Dutt, advocates
... for the SEBI present in Court
Mr. Syamantak Banerjee, advocate.
....for the SEBI present on virtual mode.
Mr. Saptarshi Chattopadhyay, advocate
.... for the applicant in CAN 670 of 2019.
Mrs. Hironmoyee Ghosh, advocate
Mr. Surojit Dutta, advocate
.... for the applicants in CAN 678 of 2021.
Md. Jannatul Firdous, advocate
....for the applicant in CAN 680 of 2021.
M/s. Nabankur Paul,
Md. Apzal Asari, advocates
....for the applicants in CAN 566 of 2019 and CAN 345 of 2018.

Learned counsel for the Alchemist Group of companies seeks time to file supplementary affidavit.

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Let the same be filed. In addition to whatever information is sought to be furnished in the affidavit, information regarding details of the properties owned by the Alchemist Group of Companies along with its approximate value be furnished. If any proceedings are pending before any authority, the details thereof be also mentioned.

The amount to be refunded by the Alchemist Group of Companies to the depositors under various schemes as on August 31, 2021 be detailed out.

The learned counsel appearing for the SEBI shall apprise this Court as to whether any proceedings against the Alchemist Group of Companies are pending. If yes, the status thereof, and also as to whether any amount is to be recovered by SEBI on account of penalty or otherwise from the Alchemist Group of Companies.

It was further pointed out that at the time of hearing, that some of the investors have approached the National Company Law Tribunal (NCLT). To this serious issue was raised by the learned counsel for the petitioner stating that when all the issues regarding refund of the amount deposited with the Alchemist Group of Companies, is being considered by this Court, certain depositors have been planted to file application before the NCLT with the active support of the company to misdirect the issue.

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We are not finally opining on this issue. However, we direct that no final order shall be passed by the NCLT during the pendency of the present writ petition before this Court.

A bunch of CAN applications have been filed in WPA 1389 of 2017 for being impleaded as parties, claiming that the applicants are also depositors with the Alchemist Group of Companies under various schemes. In our opinion when the issue regarding refund of the money to all the depositors of the Alchemist Group of Companies is being considered in the main petition, the individual depositors are not required to be impleaded as parties to the proceedings. In case they have any grievance or any issue to be pointed out, they shall be at liberty to assist the Court in the pending matters.

The writ petitions being WPA 1389 of 2017, WPA 20070 of 2018 (CAN 106 of 2019) and WPA 26915 of 2017 are adjourned to November 23, 2021.

The connected applications in WPA 1389 of 2017 except the application being CAN 5390 of 2018 are disposed of.

[Rajesh Bindal, C.J. (A.)]

[Rajarshi Bharadwaj, J]

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ANNEXURE A-10

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No.09
(IB)-1082(PB)/2018

IN THE MATTER OF:

Kiran Malhotra ... Petitioner/Applicant

v.

Alchemist Township India Ltd ... Respondent

Order Under Section 7 of the Insolvency & Bankruptcy Code (IBC)

Order delivered on 10.01.2023

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : None

For the RP : Ms. Varsha Banerjee, Adv.

ORDER

IA-5438/2021, IA-5060/2021

These applications have been filed by an association.

However, when the matter was called none appeared for the parties.

Post the matter for dismissal on 20.03.2023.

It is also stated by Ld. Counsel Ms. Varsha Banerjee appeared on behalf of the RP that there is a stay order by the Hon'ble Calcutta High Court. The copy of the proceedings of the Hon'ble Calcutta High Court in W.P.A-1389/2012 dated 16.09.2021 is filed as Annexure AA in IA-5438/2021 on Pages No. 16 to 20 which read as under:

> "*We direct that no final order shall be passed by the Hon'ble NCLT during the pendency of the court*"

Therefore, we are inclined to adjourn the matter to 20.03.2023.

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A copy of this order be served on IBBI for information and also the Registry will indicate in the cause list that proceedings are stayed by the Hon'ble Calcutta High Court.

-sd-
(RAMALINGAM SUDHAKAR)
PRESIDENT

-sd-

(AVINASH KUMAR SRIVASTAVA)
MEMBER (TECHNICAL)

10.01.2023
Vinod Arora

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ANNEXURE A-11

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 610
IB-1082/PB/2018

IN THE MATTER OF:
Ms. Kiran Malhotra **...PETITIONER**

Vs.

M/s. Alchemist Township India Ltd. **...RESPONDENT**

Section
U/s 7 of IB Code, 2016 **Order delivered on 21.04.2023**
(Virtual Hearing)

Coram:
SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SMT ANU JAGMOHAN SINGH, HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the RP **:**Adv Varsha Banerjee and Karan Grover

ORDER

IA/4185/2021

We have heard the Ld. Counsel for the Applicant as well as Ld. Counsel for the Respondent. It is submitted by the Ld. Counsel that the Writ Petition No. 1389/2017 which has been filed by the Hon'ble Calcutta High Court is still pending and that stay order by the Hon'ble Delhi High Court on 16.09.2021 is still in operation. Mr. Karan Grover, Ld. Counsel for the Resolution Professional has submitted that his client has also filed Writ Petition before the Hon'ble Delhi High Court bearing Writ Petition No. 10566/2022 in the case of Mr. Devendra Singh V/s Enforcement of Director. The Ld. Counsel has submitted that the present matter be adjourned by 8 weeks to await the outcome of the matter pending before the Hon'ble Calcutta High Court as well as Hon'ble Delhi High Court, however the matter is adjourned by 4 weeks. List on **07.06.2023** alongwith all the IAs.

Sd/-
(Anu Jagmohan Singh)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)

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ANNEXURE A-12

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.M.C. 5231/2022

DEVENDRA SINGH RESOLUTION PROFESSIONAL
ALCHEMIST TOWNSHIP INDIA LIMITED .....Petitioner

Through: Ms. Maneesha Dhir, Adv

versus

DIRECTORATE OF ENFORCEMENT THROUGH ASSISTANT DIRECTOR .....Respondent

Through: Mr. Zoheb Hossain,Spl. Counsel for ED with Mr.vivek Gurnani, Standing counsel, Mr.Kartik Sabharwal, Mr.Pranjal Tripathi, Mr.Kanishk Maurya, Ms.Ilma Khan and Mr. Suradhish Vats, Advocates

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% 16.04.2025

1. Learned Special Counsel for ED submits that the decision of Hon'ble Supreme Court in *Criminal Appeal No. 1622/2022* titled as ***Sarla Gupta & Anr v. Directorate of Enforcement*** is still awaited and prays for an adjournment.

2. Learned counsel for the petitioner, however submits that the case of ***Sarla Gupta*** has no relevance for the purpose of disposal of this petition.

3. Both the parties at liberty to file their respective written submissions within four weeks.

4. List on 22.07.2025.

RAVINDER DUDEJA, J

APRIL 16, 2025/sk

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VAKALATNAMA

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI BENCH – VI, AT NEW DELHI
I.A. NO. _____ OF 2025
IN
CP (IB) NO. 1082/ND/2018

IN THE MATTER OF:
MS. KIRAN MALHOTRA ... FINANCIAL CREDITOR

VERSUS

M/S. ALCHEMIST TOWNSHIP (INDIA) LIMITED ...CORPORATE DEBTOR

AND IN THE MATTER OF:

DEVENDRA SINGH
RESOLUTION PROFESSIONAL
FOR ALCHEMIST TOWNSHIP (INDIA) LIMITED ... APPLICANT

KNOW ALL to whom these presents shall come that I **DEVENDRA SINGH (RESOLUTION PROFESSIONAL/APPLICANT)**, do hereby appoint **M/S DHIR & DHIR ASSOCIATES, Advocates & Solicitors, D-55, Defence Colony, New Delhi – 110 024** to be my/our Advocates in the above-noted case and authorize them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Courts/Supreme Court of India, National Company Law Appellate Tribunal/ National Company Law Tribunal subject to payment of fees.

To sign, file, verify and present pleadings, inspect files & documents & obtain copies thereof, appeal, cross objections or petitions for execution, review, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit &/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration, differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the court of the prosecution of the said case.

To appoint and instruct any other legal Practitioner or person authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I / We the undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts as if done by me/us for all intents and purpose.

And I / We undertake that I / we or my / our duly authorised agent would appear in Court on all hearings & will inform the Advocate for appearance when the case is called.

And I / We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

"And I/We the undersigned do hereby agree that I/We shall not claim any compensation, nor the Advocate/s shall be liable for any compensation if he/she fails to appear in the court or fails to conduct or withdraws from the case due to non-payment of fee as per settlement or for reason of any request/call given by Bar Association/s or Councils/s."

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 06 **day of MAY, 2025.**

ACCEPTED

VARSHA BANERJEE
D/1111/2009

VISHAWAJEET SINGH
PH/945/2023

DEVENDRA SINGH * INSOLVENCY PROFESSIONAL * IBBI/IPA-002/IP-N000017/2018-19/10001

CLIENT

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₹2 NCT OF DELHI COURT FEE DLCT0322374B2544M 03-FEB-2025

₹1 NCT OF DELHI COURT FEE DLCT0137124B2555O 01-FEB-2025

ADVOCATES' WELFARE FUND STAMP ₹24 ₹25 1818995 DELHI TWENTYFIVE RUPEES