

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 729 of 2019**

**IN THE MATTER OF:**

**Mr. G.R.K. Reddy**

**...Appellant**

**Vs.**

**Phoenix ARC Pvt. Ltd. & Ors.**

**...Respondents**

**Present: For Appellant: - Mr. Nithin Chowdary, Advocate.**

**For Respondents: - Mr. Arijit Mazumdar and Ms. Akanksha Kaushik, Advocates.**

**Ms. Sonaakshi Dhiman and Mr. Suresh Dobhal, Advocates.**

**O R D E R**

**20.11.2019—** ‘M/s. Phoenix ARC Private Limited’- (‘Financial Creditor’) filed application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (“I&B Code” for short) for initiation of the ‘Corporate Insolvency Resolution Process’ against ‘M/s. New Chennai Township Private Limited’- (‘Corporate Debtor’).

2. The Appellant, Promoter has challenged the impugned order dated 5<sup>th</sup> July, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Single Bench, Chennai, whereby and whereunder, the order of admission was passed.

3. It is not in dispute that the ‘Corporate Debtor’ failed to make payment. The Adjudicating Authority also noticed that the application under Section 7 was not barred by limitation and the application was complete.

Contd/-.....

4. Learned counsel appearing on behalf of the Appellant initially sought for some time to settle the matter. As there were number of claims received, we allowed the Appellant to settle the matter with all the Claimants.

5. It appears that since November, 2017, the 'Corporate Debtor' sought time to settle the matter before the Adjudicating Authority and now even after two years they have failed to do so.

6. In the circumstance, we are not inclined to grant any relief. However, this order will not come in the way of the Appellant to complete the project if they think that it can be completed within 180 days i.e. within the 'Corporate Insolvency Resolution Process' period or may settle the matter with all the allottees and 'Financial Creditors'/ 'Operational Creditors' and may take advantage of Section 12A of the 'I&B Code'.

The appeal is dismissed with aforesaid observations. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

(Justice Venugopal M)  
Member(Judicial)

Ar/g