

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

**Company Appeal (AT) (Ins) No.148 of 2020**

**IN THE MATTER OF:**

**Skyville-Residents Welfare Association**

**...Appellant**

**Versus**

**Adel Landmarks Ltd. & Ors.**

**...Respondents**

**For Appellant:**

**Shri Rudraeshwar Singh, Shri Alok Kumar Aggarwal and Shri Pavni Poddar, Advocates**

**For Respondents:**

**Ms. Srishti Kapoor, Advocate (for RP)  
Shri Abhijit Sinha, Ms. Shivambika Sinha and  
Shri Rudrajit Ghosh, Advocates (R-2)  
Shri Shashank Agarwal and Ms. Aayushi Singh,  
Advocates (R-5)**

**ORDER**

**27.01.2020** Heard Counsel for the Appellant. This Appeal has been filed by the Appellant against Impugned Order dated 3<sup>rd</sup> December, 2019 in CP (IB)-1083 (PB)/2018 titled as “Edelweiss Asset Reconstruction Company Ltd. vs. Adel Landmarks Ltd.” The learned Counsel states that the Appellant is a Financial Creditor of Respondents 1 to 4. It is stated that a common CIRP process has been directed by this Tribunal in Company Appeal (AT) (Insolvency) No.377/2019 and others vide Judgement dated 20<sup>th</sup> September, 2019. Learned Counsel states that Resolution Professional had filed Application having number CA No.2182(PB)/2019 before the Adjudicating Authority (National Company Law Tribunal, Principal Bench at New Delhi) to appoint common Resolution Professional and the same has not been decided.

2. Impugned Order disposed various CAs and also passed Order under the CP(IB)-1083(PB)/2018. This Appeal is filed against Order as in CP (IB)-1083 (PB)/2018 which (at Page – 82) reads as follows:-

**“C.P. No.(IB)-1083(PB)/2018**

In the order dated 20.09.2019 passed by Hon’ble Appellate Tribunal in Company Appeal (AT) (Insolvency) No.377 of 2019 it has been clarified in para 43 that the matter concerning certain companies like ‘Superlative Infrastructure Pvt. Ltd.’, Bhisham Infrastructure Pvt. Ltd.’, ‘Neeleshwar Mines & Minerals (India) Pvt. Ltd.’ and ‘Manogayan Estates Pvt. Ltd.’ are remitted back to the Adjudicating Authority –NCLT. Further direction has also been issued to Edelweiss Asset Reconstruction Company-Appellant therein and the corporate debtor to produce relevant agreement to show that Adel Landmarks Ltd. (Principal Borrower) against which the Corporate Insolvency Resolution Process has been initiated is a common developer. So far, none of the aforesaid persons- the appellant or the corporate debtor has filed any material before us in compliance with the direction of the Hon’ble Appellate Tribunal. We grant liberty to the applicant and the corporate debtor to produce the relevant agreement to prove that the Adel Landmarks Ltd. is a common developer.

List for further consideration on 03.01.2020.”

3. Advocate – Shri Abhijit Sinha appears on behalf of the Resolution Professional of Golden Glow Estates Pvt. Ltd. – another proceeding under Section 7 having number 1038(PB)/2018 and states that the Application which was filed was with regard to Respondent No.1 - Adel Landmarks Ltd. and not Golden Glow Estates Pvt. Ltd.

4. Considering the submissions being made and the Impugned Order, which is relied on to present this Appeal, we find that the Appeal is misconceived and Impugned Order with regard to CP (IB)-1083(PB)/2018 reproduced above gives no reason to present this Appeal. The submission that Adjudicating Authority has not taken up CA 2182/2019 filed by Resolution Professional cannot be basis to challenge the Impugned Order reproduced above.

We decline to entertain the Appeal. The Appeal is disposed of.

[Justice A.I.S. Cheema]  
Member (Judicial)

(Justice A.B. Singh)  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*/rs/md*