

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1444 of 2019

IN THE MATTER OF:

Innova Home Buyers Neyveli Association ...Appellant

Versus

DMI Finance Pvt. Ltd. & Ors. ...Respondents

Present:

**For Appellant: Mr. Goutham Shivshankar, Mr. Shantanu Singh
and Mr. Abhishek Arora, Advocates.**

For Respondent:

O R D E R

13.12.2019 In the 'Corporate Insolvency Resolution Process' of M/s. P Dot G Constructions Private Limited ('Corporate Debtor'), the Appellant – M/s. Innova Home Buyers Neyveli Association filed application before the Adjudicating Authority (National Company Law Tribunal), Special Bench, Chennai for seeking relief against the 'Resolution Professional' with a prayer to direct the 'Resolution Professional' to accept the claim.

2. The Adjudicating Authority noticed that earlier claims of the Appellant were dealt with by the 'Resolution Professional' and were rejected. The rejection order was not challenged and subsequently the petition under sub-section (5) of Section 60 was filed for relief against the 'Resolution Professional'.

3. The learned Counsel for the Appellant submits that it was also an application for impleadment. However, we are not inclined to decide any matter relating to claim of one or the other claimant entitled to premises as

a Home buyer as no proof was laid before the Adjudicating Authority reflecting that against such claims monies were paid to the 'Corporate Debtor'. As regards the plea that if one or the other individual including the Appellant has made full payment, the learned Counsel may bring it to the notice of the 'Resolution Professional' or the 'Successful Resolution Applicant'. We are not inclined to express any opinion with regard to the same. We find no ground to interfere with the impugned order, the Appeal is accordingly dismissed.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)