

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

**Company Appeal (AT) (Insolvency) No. 899 of 2024  
& I.A. No. 3250 of 2024**

[Arising out of Order dated 27.02.2024 passed by the Adjudicating Authority (National Company Law Tribunal), Court VI, New Delhi in Inv. P/12/2024 in IB-682/PB/2021]

**In the matter of:**

**Grand Developers Pvt. Ltd.**

**...Appellant**

**Vs.**

**Nitin Batra & Ors.**

**...Respondents**

**For Appellant:**

Mr. Anupam Lal Das, Sr. Advocate with Mr. Anmol Joshi, Mr. Anant Bajpai, Advocates.

**For Respondents:**

Mr. Sahil Sethi, Mr. Samriddh Bindal and Mr. Vikash Kumar, Advocates for R-1 to 3.

Mr. Ramji Srinivasan, Sr. Advocate with Mr. NPS Chawla, Ms. Mahima Shekhawat, Mr. Jasjeet Sinha, Mr. Pranay Sharma, Mr. Surekh Kant Baxy, Advocates.

Mr. Gaurav Mitra, Sr. Advocate with Mr. Gaurav H. Sethi, Mr. Deeptanshu Chandra, Mr. Rahul Pawar, Advocates for allottees.

Mr. Saurab Kalia, Advocate for Mr. Dheeraj Sharma.

**J U D G M E N T**  
**(15<sup>th</sup> May, 2024)**

**Ashok Bhushan, J.**

The Appeal has been filed challenging the order dated 27.02.2024 passed by the Adjudicating Authority (National Company Law Tribunal), Court VI, New Delhi by which Intervention Petition No. 12 of 2024 filed by the Appellant, in CP IB- 682/PB/2021 has been rejected. Appellant aggrieved by

the order rejecting the Intervention Petition No. 12 of 2024 has come up in this Appeal.

2. Brief facts of the case necessary to be noticed for deciding the Appeal are:-

2.1. On 12.10.2021, Company Petition being CP IB- 682/PB/2021 was filed by the homebuyers of Festival City Project launched by the Corporate Debtors. The Financial Creditors 215 in numbers filed Section 7 application alleging default on the part of the Corporate Debtor in completing the project and giving possession to the financial creditors. In the application, M/s. Anand Infoedge Pvt. Ltd. was impleaded as Corporate Debtor No. 1 who was a land owning company, M/s. Mist Avenue Pvt. Ltd. as Corporate Debtor No.2 was developer and M/s. Mist Direct Sales Pvt. Ltd. as Corporate Debtor No.3 was another developer after cancelling the earlier Development Agreement. Section 7 application was filed on 12.10.2021 by the Financial Creditors i.e. homebuyers. In Section 7 application filed by the financial creditors, objections were filed by three Corporate Debtors raising objection regarding maintainability of the appeal.

2.2. Adjudicating Authority by an order dated 21.10.2022 rejected the applications filed by the Corporate Debtors raising objection regarding maintainability and held that Section 7 petition filed by the financial creditors is maintainable. Against the order dated 21.10.2022, three appeals were filed by three Corporate Debtors being Company Appeal (AT) (Insolvency) No.1478 of 2022, Company Appeal (AT) (Insolvency) No.1506 of 2022 and Company Appeal (AT) (Insolvency) No.127 of 2023. All the three appeals filed by three

Corporate Debtors, as noted above, were dismissed by judgment and order of this Tribunal dated 17.11.2023. Against the order dated 17.11.2023 dismissing the appeal filed by Corporate Debtors, three Civil Appeals being Civil Appeal No.7950-7951 of 2023, Civil Appeal No.7989 of 2023 and Civil Appeal No.7958-7959 of 2023 were filed which were dismissed by the Hon'ble Supreme Court vide order dated 11.12.2023. After dismissal of all the three appeals filed by the Corporate Debtors, an IA No. 3875 of 2023 was filed by M/s. Disire Retail Pvt. Ltd. and others claiming to be unit holders in the project and praying for dismissal of the main Company Petition, which IA No.3875 of 2023 was dismissed by the Adjudicating Authority on 25.07.2023. Subsequent to the order dated 25.07.2023, Corporate Debtors filed three separate applications to dismiss the main Company Petition making allegation against the financial creditors. All the three applications filed by Corporate Debtors were dismissed by the Adjudicating Authority on 05.01.2024. Adjudicating Authority while dismissing the applications held that the applicants (Corporate Debtors) is attempting to drag on the proceedings. The Adjudicating Authority refrained the applicant (corporate debtor) from filing frivolous applications in future so as to avoid imposition of cost.

2.3. Against the order dated 05.01.2024 rejecting the applications appeal was filed being Company Appeal (AT) (Insolvency) No. 96 of 2024 which appeal came to be dismissed by this Tribunal vide order dated 29.01.2024. Against the order dated 29.01.2024 passed by this Tribunal, an appeal was also filed by the Corporate Debtor before the Hon'ble Supreme Court which appeal has also been dismissed as withdrawn. After the aforesaid proceedings, two IAs

have been filed before the Adjudicating Authority seeking Intervention Petition No. 11 of 2024 and Intervention Petition No. 12 of 2024. Intervention Petition No.11 of 2024 was filed by applicant who had earlier filed an IA No.3875 of 2023 seeking dismissal of the main Company Petition which was already dismissed. Intervention Petition No. 12 of 2024 was filed by present Appellant claiming that they are holding 102 units in Festival City Project and they sought intervention in the Company Petition. Intervention Petition No. 12 of 2024 has been rejected by the impugned order dated 27.02.2024, aggrieved against which order this appeal has been filed.

3. We have heard Shri Anupam Lal Das, learned senior counsel appearing for the Appellant, Shri Sahil Sethi, learned counsel appearing for the Respondent Nos.1 to 3, Shri Ramji Srinivasan, learned senior counsel appearing for Respondent No.6- Mist Direct Sales Pvt. Ltd., Shri Gaurav Mitra, learned senior counsel has appeared for another set of homebuyers who have filed intervention petition 12 of 2024.

4. Learned Counsel for the Appellant challenging the order contends that the Appellants are holders of 105 units and they have filed their intervention petition seeking intervention in the company petition because in event Section 7 application is admitted against the corporate debtor, the interest of the applicant/appellant shall be prejudiced. Appellant is hopeful that the corporate debtor shall be able to complete the project. The corporate debtor has already filed a Scheme under Section 230 of the Companies Act, 2013 before the Adjudicating Authority by filing a Company Petition for consideration and approval of Scheme under Section 230 of the Companies

Act which company petition is still pending. It is submitted that in event the Scheme is approved, construction shall be carried out by the corporate debtor as per the scheme. Hence, initiation of CIRP under Section 7 shall be prejudicial to the scheme which has now been proposed.

5. Shri Sahil Sethi, learned counsel appearing for the Respondent Nos. 1 to 3 who have filed Section 7 application has opposed the submissions of counsel for the appellant and submits that the filing of the intervention petition by the appellant is another attempt to delay disposal of Section 7 application. It is submitted that the corporate debtor from the very beginning has been filing one after another applications making efforts to derail the CIRP process and for the last more than 2 ½ years they have not permitted Section 7 application to proceed on merits. It is submitted that the application that Section 7 is not maintainable has already been dismissed by the Adjudicating Authority which order has been affirmed upto the Hon'ble Supreme Court. In the second round again, application was filed by the corporate debtor for rejecting Section 7 application which too was dismissed by the Adjudicating Authority, upheld upto the Hon'ble Supreme Court. One set of the homebuyers which had earlier filed application was also rejected on 25.07.2023 and intervention application no. 12 of 2024 is nothing but another attempt to derail the CIRP. It is submitted that the applicants claim to be holders of different units in the project but no documents have been filed. It is submitted that the Hon'ble Supreme Court while dismissing the appeal filed by the corporate debtor on 11.12.2023 has directed that Section 7 application be heard and decided within two months which period has long

expired but the Corporate Debtor and the different applicants are creating obstructions in proceeding of Section 7 application by filing different frivolous applications. It is, however, submitted that hearing in Section 7 application has already commenced by the Adjudicating Authority and 6<sup>th</sup> May was date fixed for completion of the arguments. It is further submitted that the Scheme which has been filed under Section 230 by the Respondent No.6 is also defective and the Adjudicating Authority by its order dated 05.04.2024 has noted various objections in the Scheme and directed M/s. Mist Direct Sales Pvt. Ltd. to clarify the same. The Scheme is not a valid scheme nor that can be reason for not proceeding with Section 7 proceeding.

6. Shri Ramji Srinivasan, learned senior counsel appearing for applicant who has filed Section 230 Scheme submits that the consideration approval of the scheme shall be beneficial for all homebuyers since under the scheme the corporate debtor shall construct the project and deliver the homebuyers to all in real estate project. Admission of application under Section 7 is not the solution and the Section 7 application filed by the financial creditors need to await till the Scheme under Section 230 filed by M/s. Mist Avenue Pvt. Ltd. is considered and disposed. It is submitted that this Court may direct the Adjudicating Authority not to proceed with Section 7 application and application under Section 7 can be taken only after disposal of the scheme petition i.e. CA (AA) No.10/ND/2024. It is submitted that the promoters' earlier proceeding challenging the maintainability were for the reason that the promoter had valid objection against proceedings against the corporate

debtor, hence, that cannot be treated as prejudicial proceeding taken by the promoter.

7. We have considered the submissions of the Counsel for the parties and perused the record.

8. From the facts, as noted above, it is clear that Section 7 application was filed on behalf of 115 financial creditors who are homebuyers of the project on 12.10.2021. Application was filed against three corporate debtors who are now Respondent Nos.4, 5 & 6 in the present appeal. Three corporate debtors filed separate application objecting the maintainability of Section 7 application. Adjudicating Authority heard the said application and by detailed order dated 21.10.2022 objections were overruled and it was held that Section 7 application is maintainable. Corporate Debtor filed three appeals challenging the said order before this Tribunal which appeals were heard and dismissed by this Tribunal on 17.11.2023. Against the order dated 17.11.2023, appeals were filed by Respondent Nos. 4, 5 & 6 which appeals were again dismissed by the order of the Hon'ble Supreme Court dated 11.12.2023. It is useful to notice the order passed by the Hon'ble Supreme Court, which is as follows:-

*“1 The impugned order of the National Company Law Appellate Tribunal dated 17 November 2023 is admittedly only at the stage where the maintainability of the application under Section 7 of the Insolvency and Bankruptcy Code 2016 was questioned. The application under Section 7 is still awaiting a hearing on merits, though it is common*

*ground that nearly two years have gone by in the interregnum. Hence, we are not inclined to entertain these proceedings at the present stage.*

*2 After the application under Section 7 is heard and disposed of on merits, should it become necessary to do so, the parties would be at liberty to take recourse to all appropriate proceedings in accordance with law. At that stage, should it become so necessary, this Court will enquire into both the merits and maintainability. However, we also clarify that the issue of maintainability shall stand concluded by the impugned order dated 17 November 2023 insofar as the National Company Law Tribunal and NCLAT is concerned.*

*3 Since the application under Section 7 is pending for over two years, we request the NCLT to take up the application at the earliest possible date and to endeavour an expeditious disposal within two months.*

*4 Subject to the aforesaid, the Civil Appeals are dismissed.*

*5 Pending application, if any, stands disposed of.”*

9. After the aforesaid order, applications were filed by several applicants claiming to be unit holders in the project praying for dismissal of the company petition which applications were filed by those applicants who have now filed Intervention Petition No.11 of 2024 also was dismissed by the impugned order. The application filed by unit holders being IA No. 3875 of 2023 was rejected by the Adjudicating Authority on 25.07.2023. The Adjudicating Authority in the impugned order has noticed the facts in paragraph 10 as well



as the order dated 25.07.2023. It is useful to extract paragraph 10 of the judgment, which is as follows:-

*“10. Then, the same applicants in Ivn. P/11/2024 had filed an application bearing IA 3875/2023 seeking dismissal of the main Company Petition on the ground that the outcome of the present petition shall have a direct bearing on cope interests of the applicants and that the Section 7 Petition shall result in the corporate death of the CD. This Adjudicating Authority dismissed the application vide order dated 25.07.2023. While dismissing the application, the Adjudicating Authority made the following observations: -*

*The Section 7 application is originally a petition moved by the Unit Buyers. Present application is jointly filed by (1) M/s Disire Retail Pvt. Ltd. holding 69 units in the Festival City Project (2) M/s Ramble Markets Pvt. Ltd. holding 60 units in the Project, (3) M/s Swift Buildwell Put. Ltd. holding 4 units in the Project and (4) M/s Veena Gases and Chemicals Pvt. Ltd. holding 9 units in the Project. The Counsel for the Applicants has submitted that the Applicants are necessary and proper party to the present proceedings, as the outcome of the present petition shall have direct bearing on the interest of the Applicants. The Ld. Counsel for the Applicants have submitted that all the Applicants together have invested an amount, in excess of 21.5 crore in the project of the Corporate Debtor. It is clear from the submissions of the Counsel that the Applicants are strategic*

*investors in the project, who will ultimately sell the units to interested buyers. The Section 7 Petitioners are allottees of the units. The Applicants in their application has sought for dismissal of the present Section 7 application and also such other and further reliefs. We have also considered the submissions made by the Ld. Counsel appearing on behalf of the Applicants. Having considered the stage of the matter and keeping the objects of IBC in view and as the preamble clearly says that timely resolution of CIRP process is one of the prime objects of the Code, the present application by the strategic investors seeking intervention in the matter and the relief of dismissal of Section 7 application cannot be entertained at this stage of the matter. The apprehension of the Petitioner's Counsel that if CIRP is initiated the Applicants interest will be defeated, is neither true nor correct. According to this Adjudicating Authority CIRP is a process whereby the project will be taken up by a Successful Resolution Applicant who will be financially & managerially competent to run the project and will continue to do the work of the Corporate Debtor. Only that the Corporate Debtor will be replaced. The CIRP envisages the organization to work as a going concern. Therefore, the objection/apprehension raised by the Ld. Counsel for the Applicant is not sustainable in the eye of law. Ld. Counsel for the Applicant has also raised another argument that after filing of present Section 7 application approximately 10 Petitioners have opted for*

*settlement with the Corporate Debtor and walked out of the array of Petitioners. In terms of "Manish Kumar Vs. Union of India" judgment passed by the Hon'ble Supreme Court of India, the criteria that should be looked into by Adjudicating Authority is whether as on date of filing of the Section 7 petition, the Petitioners are able to master the support of minimum number of Applicants or not. Therefore, the argument advanced by the Counsel for the Applicants is not sustainable. At the outset it is clarified that few of the Petitioners at their own wisdom walked out of the array of the Petitioners, does not create an impression to this Adjudicating Authority that Petitioners are treating this proceeding as recovery proceeding. In fact, at the stage of the matter, the very presence of the Petitioner's counsel and on the other dates of hearing undoubtedly leads to an impression that Petitioners are interested to have their own units through initiation of CIRP. In view of the above, this Adjudicating Authority dismisses the present application, without costs. This order is dictated in the open Court. Dasti Allowed."*

10. The above indicates that the filing of IA No. 3875 of 2023 by one set of unit holder who has now chosen to file Intervention Application No.11 of 2024 has made attempt for dismissing Section 7 application in which they failed. After 25.07.2023, the corporate debtors have filed again three applications IA No.4312 of 2023, IA No. 4121 of 2023 and IA No. 4122 of 2023 in the Company Petition again praying that company petition be dismissed. In the applications

various grounds including the ground that the Financial Creditor had committed fraud/forgery was raised which was rejected by the Adjudicating Authority by order dated 05.01.2024. The Adjudicating Authority has extracted certain part of the order dated 05.01.2024 in paragraph 11 of the impugned order. It is useful to extract paragraph 11 of the judgment of the Adjudicating Authority which is as follows:-

*“11. Subsequently, the Corporate Debtor (CD) filed three separate applications to dismiss the main Company Petition, alleging that the Financial Debtor had committed fraud/forgery. The Adjudicating Authority dismissed all three applications vide order dated 05.01.2024. This Adjudicating Authority while dismissing the applications held as follows:*

*10. In light of the above, we find no merit in the present Application filed for dismissal of IB-682/PB/2021 which a Section 7 Application. The present Application appears to be misleading, filed only for the purpose of delaying the adjudication of IB682/PB/2021. The applicant has failed to appreciate that the intent behind classification of homebuyers as "Financial Creditor" by the legislature was to enable homebuyers to participate in the insolvency resolution process in a constructive and egalitarian manner. The Applicant is insisting on dismissal of the Section 7 Petition even after the same has been held maintainable by the Hon'ble NCLAT vide order dated 17.11.2023 and the Hon'ble Supreme Court vide order dated 11.12.2023 has held that the issue of*

*maintainability shall stand concluded by the order dated 17.11.2023 insofar as the Adjudicating Authority and NCLAT are concerned. The malafide intention of the Applicant to delay the adjudication of the Section 7 Petition is also evident from the fact that the Applicant never raised this contention of affidavits being forged during the adjudication of maintainability of the Section 7 Petition neither before this Adjudicating Authority nor before the Hon'ble NCLAT.*

*11. Further, prior to admission of Section 7 Application making attempts to seek dismissal of the application by the applicant is not a practice which in consonance with the provisions of IB Code, 2016 as well as the objects sought to be achieved by the said legislation.*

*12. From the prayers made at (a) to (g) in the application it transpires that the applicant is attempting to drag on the proceedings and build an approach to have a road-way for forum shopping, therefore, dismissed. the IA/5400/2023 is*

*13. IA/5400/2023 stands dismissed. Consequently, IA/4312/2023, IA/4121/2023 & IA/4122/2023 also stand dismissed. The applicant is also directed to refrain from filing such frivolous applications in future so as to avoid imposition of cost.”*

11. The Adjudicating Authority in the aforesaid order dated 05.01.2024 has observed that the applicant is attempting to drag on the proceedings. Adjudicating Authority further directed that the applicant is refrained from filing such frivolous application in future so as to avoid imposition of cost. Challenging the order dated 05.01.2024, appeal was filed in this Tribunal being Company Appeal (AT) (Insolvency) No. 96 of 2024 which was dismissed by this Tribunal on 29.01.2024. While dismissing the appeal, this Tribunal affirmed the finding of the Adjudicating Authority that the intention of the appellant is malafide and objections are only raised to delay the adjudication of Section 7 application. In paragraph 22 of the judgment, following has been observed:-

*“22. In view of the foregoing discussions and conclusions, we are of the view that Adjudicating Authority did not commit any error in rejecting IAs filed by the Appellant praying for various reliefs as extracted above. The Adjudicating Authority has rightly observed that the intention of the Appellant is malafide and objections are only to delay the adjudication of Section 7 Application. We do not find any error in the impugned order, as no ground is made out to interfere with the order, the appeal is dismissed. No order as to costs.”*

12. The order dated 29.01.2024 was further challenged before the Hon'ble Supreme Court by filing Civil Appeal No.5018 of 2024 which was dismissed as withdrawn on 29.04.2024.

13. Counsel for the Appellant submits that even though Section 7 application has not yet been admitted, it has every right to intervene and there is no prohibition in the scheme of the IBC from not entertaining any intervention application before admission of Section 7 application. Counsel for the Appellant has relied on the judgment of this Tribunal in Company Appeal (AT) (Insolvency) Nos. 1008, 1009 & 1010 of 2021- **“Krrish Realtech Private Limited”** decided on 21.12.2021. The case which has been relied by the appellant was a case where the corporate debtor has filed a Pre-packaged Insolvency Resolution Process application under Section 54C in which various objections were filed by the creditors and the Adjudicating Authority vide the order dated 23.11.2021 granted time to the corporate debtor to file reply which order was challenged in this Tribunal by filing an appeal by the corporate debtor. In the aforesaid appeal, this Tribunal considering the fact of the case had made following observations in paragraphs 15 and 21, which are as follows:-

*“15. The legislative intent which is clear by Section 424 (1) is that the Tribunal while disposing of any proceeding before it shall not be bound by procedure laid down by Code of Civil Procedure but shall be guided by the principle of natural justice and subject to the other provisions of this Act or Code 2016 and any of the Rules made thereunder. Further, the Tribunal and the Appellate Tribunal shall have power to regulate their own procedure. The statutory scheme delineated by Chapter III-A of ‘I&B Code’ as well as the Regulations, 2021 as observed above does not indicate any prohibition on the Adjudicating*

*Authority to hear any objector or intervenor before admitting an Application of pre-packaged insolvency resolution process. When there is no prohibition in hearing an objector or interveners by the Adjudicating Authority, the orders passed by the Adjudicating Authority giving time to the objectors to file objection cannot be said to be in breach of any statutory provisions. We may hasten to add that hearing of objectors or interveners in each case where pre-packaged insolvency resolution process application has been filed is not a matter of course and has to be limited to exceptional cases. We are cautious that proceeding under the 'I&B Code' are time bound procedure where unnecessary delay has to be avoided by the Adjudicating Authority and giving time to objections which are meritless and giving time to objectors and interveners has to be exercised on sound discretion on valid grounds.*

xxx

xxx

xxx

*21. We, thus, are of the view that no error has been committed by the Adjudicating Authority in giving opportunity to the objectors to file their objections. The Appellant has also been given opportunity to file his rejoinder and reply to the objections, hence he cannot claim that any prejudice is cause to him only because objectors have been given time to file objection. The objectors who have appeared before the Adjudicating Authority have huge stakes since they are all homebuyers/ allottees and have paid substantial amount to the Appellant running in lakhs and crores. No exception can be taken to their anxiety to ensure that pre-packaged insolvency resolution process is resorted in accordance with the procedure*



*prescribed in law. They have come up before the Court only to protect their claims and point out the Court about the non-compliance of the statutory provisions and it is for the Adjudicating Authority to consider the objections and take decision on merit. Before we close, we reiterate our observations that any observations made by us in this judgment are only for the purpose of considering as to whether Adjudicating Authority has committed any error in granting time to the intervenors/ objectors to file objection. We make it clear that we have not expressed any opinion on merits of the claim of any of the objectors and it is for the Adjudicating Authority to consider and ultimately take a decision as to whether Application under Section 54C deserves to be admitted or rejected.”*

14. This Tribunal affirmed the order passed by the Adjudicating Authority in the above case granting time to the Corporate Debtor/applicant to file reply to the objections filed by the various stakeholders. Relying on the said judgment, it is contended that the applicant who has filed intervention petition are also interested in the proceeding and should be allowed to intervene. Judgment of this Tribunal dated 21.12.2021 in **“Krrish Realtech Private Limited”** was on its own facts. The objectors appeared and objected the application that application has been filed contrary to the statutory provisions and objectors’ objection be heard since the application has been malafidely and fraudulently filed to defeat the rights of the homebuyers who are financial creditors.

15. In the facts of the above case, this Tribunal held that the order of the Adjudicating Authority granting time to the corporate debtor to file reply to the objection cannot be faulted. The facts of the present case depict the entirely different story. As noted above, in Section 7 application which has been filed by 115 homebuyers, several attempts have been made by the corporate debtor and other applicants to get the petition dismissed and the order passed by the Adjudicating Authority rejecting such objection have been upheld upto the Supreme Court and the Hon'ble Supreme Court on 11.12.2023 while dismissing the appeals challenging the order of this Tribunal noticed the fact that Section 7 application is pending for the last two years and requested the NCLT to take up the application at the earliest possible date and to endeavour an expeditious disposal within two months. Time allowed by the Hon'ble Supreme Court on 11.12.2023 has long expired and by one or other objections on application, proceedings are sought to be thwarted. Noticing all earlier proceedings Adjudicating Authority rejected intervention petition no. 12 of 2024 in which we do not find any fault and the judgment of this Tribunal in **"Krrish Realtech Private Limited"** does not help the Appellant in the facts of the present case.

16. The Company Petition which has been filed in the year 2024 by Respondent No.6- M/s. Mist Direct Sales Pvt. Ltd., Counsel for the Respondent No.2 has produced the order dated 05.04.2024 of the Adjudicating Authority where petitioners have been asked to clarify various aspects. The petition under Section 230 for scheme by the corporate debtor is independent proceeding but filing of the said petition cannot be a ground

to not permit the proceeding under Section 7 which are being halted and obstructed by one or other attempts by corporate debtor and other applicants as noted above. It is further noticed that the case of the corporate debtor as noticed from the record, it is clear that the RERA registration of the project has already cancelled and there is a dispute of title as claimed by the corporate debtor regarding the land. We, thus, do not find any substance in the submission of the counsel appearing for Respondent No.6 to accepts the submission that Section 7 application be further not proceeded with till application under Section 230 of the Companies Act filed by Respondent No.6 be finalised.

17. From sequence of the events as noted above and especially the order of the Hon'ble Supreme Court dated 11.12.2023, it is clear that Section 7 application has to be proceeded and decided in accordance with law and in the facts of the present case, Adjudicating Authority did not commit any error in rejecting the Intervention Petition No.12 of 2024. We, thus, do not find any error in the impugned order. The appeal is dismissed.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Barun Mitra]**  
**Member (Technical)**

**[Arun Baroka]**  
**Member (Technical)**

**New Delhi**  
**Anjali**