

ITEM NO.11

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 5185/2024

AYUSH AGARWAL

Appellant(s)

VERSUS

JAYPEE INFRATECH LTD. & ORS.

Respondent(s)

(IA No.92614/2024-GRANT OF INTERIM RELIEF and IA No.92613/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92615/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-04-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Ms. Archana Pathak Dave, Sr. Adv.
Mr. Tushar Jain, AOR
Mr. Mukesh Kumar, Adv.
Mr. Vaibhav Chowdhary, Adv.

Mr. Sumant Batra, Adv.
Mr. Sanjay Bhati, Adv.
Mr. Rabin Mazumdar, AOR
Mr. Sarthak Bhandari, Adv.
Ms. Nidhi Yadav, Adv.

For Respondent(s) Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Rishi Agrawala, Adv.
Ms. Geetika Sharma, Adv.
Mr. Sagar Bansal, Adv.
Mr. E. C. Agrawala, AOR

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in the week
commencing 02.09.2024.

Notice is accepted by Mr. E. C. Agrawala,
learned counsel appearing for the respondents, who

is present in Court on advance notice.

It is submitted by learned counsel for the appellant - Ayush Agarwal, that the appellant is not challenging the resolution plan and merits thereof. The appellant restricts his claim only to the extent that he is a home buyer whose payments were/are reflected in the books of accounts of the corporate debtor, and that there is no dispute that the payments are genuine. Learned counsel submits that non-filing of the claim etc. by the appellant should not result in rejecting his claim and entitlement as a home buyer.

Counter affidavit/reply will be filed within six weeks from today. Rejoinder affidavit, if any, will be filed within six weeks after the service of counter affidavit/reply.

We clarify that the issue of notice in the present appeal will not come in the way of execution/implementation of the resolution plan. Allotment of the unit to the appellant, if made, will be subject to the outcome of the present appeal and the right and claim of the appellant.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(R.S. NARAYANAN)
ASSISTANT REGISTRAR