

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 280 of 2026

IN THE MATTER OF:

Himanshu Battish and Anr

...Appellant(s)

Versus

**Rabindra Kumar Mintri Resolution Professional (For ...Respondent(s)
Today Homes Noida Pvt. Ltd.)**

Present:

**For Appellant : Dr. Harshvir Pratap Sharma, Sr. Advocate with
Mr. Tejas Patel, Mrs. Meera Kaura, Mr. Shlok
Mishra, Advocates**

For Respondents : Ms. Manvi Jain. Advocate for RP

ORDER
(Hybrid Mode)

19.05.2026 Heard Shri H.P. Sharma, Ld. Sr. Counsel for Appellant and Ms. Manvi Jain, appearing for the Resolution Professional.

2. This Appeal has been filed against an order passed by Adjudicating Authority dated 18/12/2025 by which I.A. 6130/2025, filed by the Appellant has been dismissed.

The Appellant has filed the Application praying for following reliefs :

- "(i) Allow the present application filed by the Applicants;*
- (ii) Condone the delay in filing the Claim form dated 5/11/2021 ;*
- (iii) Set aside the email dated 11.11.2021 addressed by the Resolution Professional rejecting the claim of the Applicants;*
- (iv) Direct the Resolution Professional to verify and admit the Applicant's home buyer claim dated 5.11.2021 in relation to Unit No. H-0002, Ground Floor, Ridge Residency, Sector-135, Noida, Uttar Pradesh;*

(v) Direct the Resolution Professional to extend parity and identical treatment to the Applicants in terms of the Hon'ble NCLAT judgment dated 17.10.2025 in Reena & Ors. v. RP, Today Homes Noida Pvt Ltd; and/ or
(vi) Pass such other or further orders as this Hon'ble Tribunal may deem fit in the interest of justice."

3. Adjudicating Authority, noticing the facts that Resolution Professional did not accept the claim which was not filed in time The Resolution Professional did not entertain the claim and the Adjudicating Authority has earlier rejected and dismissed the Application.

4. Ld. Counsel for Appellant submitted that the issues raised in this Appeal are fully covered by judgement of this Tribunal in Comp. App. (AT) (Ins) No. 170 of 2025 in Reena v. Rabindra Kumar Mintri & Anr along with other Appeals.

5. It is submitted that the cases of Smt. Reena were also the cases of homebuyers whose claims was not entertained due to delay in filing and ultimately the Appeals were allowed and this Tribunal has directed the SRA to prepare Addendum and give the same treatment to the homebuyers which have been given to other homebuyers in the Resolution Plan.

6. Ld. Counsel for the Resolution Professional submitted that, in pursuance of judgement of this tribunal in Smt. Reena, decided by this tribunal on 17/10/2025, SRA has already submitted a second addendum where the Appellants, in the present Appeal are also included.

7. We have heard the Counsels for the Parties and perused the records. Judgement of this Tribunal dated 17/10/2025 in Smt. Reena, we have issued directions in Paragraph 38, which are as follows :-

“38. In view of the foregoing discussions, we are of the view that the judgment of the Adjudicating Authority rejecting applications cannot be sustained. Appellant has made out a case for treatment of their claims in the Resolution Plan as per the details which were submitted by the Resolution Professional before the Adjudicating Authority by means of an Affidavit. In result of foregoing discussions, we allow the Appeals to the following effect:-

(i) The order dated 22.01.2025 passed by the Adjudicating Authority in the IAs filed by the Appellants is set aside.

(ii) IAs filed by the Appellants are allowed to the extent that the claim of the Appellants as reflected in the Affidavit of the Resolution Professional filed in pursuance to order dated 05.03.2024 and 11.06.2024 need to be dealt with by the Resolution Applicant in the Resolution Plan.

(iii) The Resolution Applicant shall prepare an Addendum (Second Addendum) and include the claims of the Appellants as reflected in the Affidavit of the Resolution Professional filed in pursuance of the orders dated 05.03.2024 and 11.06.2024 and treat the Appellant as Financial Creditors in a Class by giving same treatment as has been given in the Resolution Plan to other homebuyers which process be completed within 30 days from today.

(iv) The claim of the Appellants shall not be treated to be covered by clause of the Resolution Plan which provide for

refund of 50% of the principal amount. The addendum prepared by the Resolution Applicant shall be placed before the CoC for consideration and after decision of the CoC on the said addendum hereinafter referred to as '2nd Addendum', the same shall be submitted before the Adjudicating Authority by the Resolution Professional for consideration along with the application filed for approval of the Resolution Plan along with the addendum. The Adjudicating Authority shall consider the 2nd Addendum while passing order on the approval of the Resolution Plan.

Parties shall bear their own costs."

8. Ld. Counsel for the Resolution Professional having made statement that in pursuance of the above directions dated 17/10/2025, second addendum has been submitted which includes the name of the Appellant, we are of the view that this Appeal also need to be allowed and disposed of observing that the Appellant having given the same treatment as other homebuyers, no further directions are required.

Appeal disposed of.

**[Justice Ashok Bhushan]
Chairperson**

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

Prerana/md