

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins) No. 929 of 2025

IN THE MATTER OF:

Civitech Developers Pvt. Ltd.

...Appellant

Versus

Ajeet Kumar Rai & Ors.

...Respondents

Present:

**For Appellant : Mr. Saurabh Kalia, Mr. Lakshya Agarwal,
Ms. Laxmi Chaudhary, Advocates .**

**For Respondents : Mr. Saral Sharma, Ms. Kanika Kimothi,
Advocates for R-1-6.**

Ms. Gunjan Arora, Advocate for R-1, 2 & R-7

Mr. R.C Pant (in-person) for R-7.

Mr. Aakash Bhatt, Advocate for RP.

O R D E R
(Hybrid Mode)

06.10.2026: Heard learned counsels for the parties on merits of the company appeal. **Judgment Reserved.** The respective counsels are requested to file their written notes of submissions within a period of one week from today.

2. The learned counsel for the home buyer has referred to an application preferred by her being I.A. No. 6870 of 2026, praying for certain interim directions. It's that during the course, when we were considering those applications filed by the homebuyers that certain additional facts have been disclosed which had been deliberately concealed earlier, and that is in context that the reliefs sought by the homebuyers through I.A. No. 6870 of 2026. In the I.A. thus preferred by the homebuyers, they have expressed

their apprehension that because the Ld. Adjudicating Authority who is already ceased with the process of approval of plan under the code, they have prayed for the following reliefs:

“14. (d) Pending pronouncement of the judgment in Company Appeal (AT) (Ins.) No. 929 of 2025, direct that the Learned Adjudicating Authority may not finally dispose of I.A. No. 64 of 2024 or approve the Resolution Plan of M/s Civitech Developers Private Limited, so as to preserve the subject matter of the pending Appeals and prevent them from being rendered infructuous”

3. And particularly relief in the context of, as sought in its relief (d) it is that a direction may be issued to the Adjudicating Authority not to finally dispose of I.A. No. 64 of 2024, pending consideration before it for approval of the resolution plan.

4. At this stage, when the I.A was being considered, we are saddened to notice that the conduct of Resolution Professional, who is represented through his counsel, has not been fair to the tribunal, has submitted that in pursuance to the impugned order, the addendum plan has already been considered and submitted by the CoC, and the same is presently being presented before the Ld. Adjudicating Authority for its consideration. The said date, as informed to us, is 19.09.2026.

5. The same Resolution Professional who had appeared in Comp. App. (AT) (Ins.) No. 1589 of 2026, by concealing all relevant facts of pendency of

earlier appeal, subsequently preferred a company appeal by M/s Catalyst Trusteeship Ltd., who is a party Respondent No.8 to the Comp. App. (AT) (Ins.) No. 929 of 2025. The coordinate bench of this Tribunal, exclusively trusting the pleadings raised in the appeal, had disposed of the appeal on the first day itself, directing the Ld. Adjudicating Authority to dispose of the plan approval application, and hence it is contended by the Resolution Professional, that if any interference is made by us in today's I.A. No. 6870 of 2026 as preferred by the homebuyers, it would run in contradiction to the order of the coordinate bench dated 01.09.2026. We asked the learned counsel for the Resolution Professional who was then present in the hearing of Comp. App. (AT) (Ins.) No. 1589 of 2026 to determine, whether he had informed the coordinate bench about the factum of pendency of Comp. App. (AT) (Ins.) No. 929 of 2025. The learned counsel for the RP, in front of the members of the bar, stated that this information was not intimated to the tribunal when Comp. App. (AT) (Ins.) No. 1589 of 2026, was being considered. In order to cross-check the issue, we got the records of the memorandum of appeal of Comp. App. (AT) (Ins.) No. 1589 of 2026, and after having gone through it, we find that there is no reference made with regard to the pendency of the Comp. App. (AT) (Ins.) No. 929 of 2025. This itself will amount to be an apparent misconduct and exclusively because of the fact that the Resolution Professional for not being fair to the Tribunal, when he was appearing in Comp. App. (AT) (Ins.) No. 1589 of 2026 soliciting an order

for expediting the proceedings of considering, I.A. No. 64 of 2024 for an early approval of the plan.

6. This sequence of events from I.A. No. 64 of 2024 reflects that the Resolution Professional doesn't deserve to continue in office owing to the misconduct, and the manner in which he has carried himself before the court of law. Under the law, he is being a representative of the court, he was duty bound and supposed to be fair in his conduct, and since he was instrumental in getting an order of 01.09.2026 by concealment of facts and by not portraying the correct facts about the pendency of the Comp. App. (AT) (Ins.) No. 929 of 2025, the tribunal was constrained to dispose of the appeal itself on the first day vide its order of 01.09.2026, directing it to dispose of I.A. No. 64 of 2024 for approval of the same. The order which if complied would have rendered the present proceedings as be otiose, of no avail.

7. The Resolution Professional cannot be spared, and some action has to be taken against him.

8. So far as the implications of the order of 01.09.2026 are concerned before us, for considering I.A. No. 6870 of 2026, wherein the homebuyers have prayed for staying the proceedings of approval of the plan. We are of the view that the order of 01.09.2026, will not create any impediment as such, to consider the said application for the reason being that the order was passed on 01.09.2026, without issuing notices to the parties. Also because of subsequent development because after the passing of an order on

01.09.2026 by this Tribunal for disposing of the application I.A. No. 64 of 2024 for approval of the plan, certain subsequent developments have taken place that have been brought to the knowledge of us, where the Resolution Professional has submitted that the addendum plan too has been approved by the CoC on 19.09.2026 and that it is now being placed before the Adjudicating Authority. This being an event subsequent to the order of 01.09.2026, a cognizance of the same is required to be taken by us for the purposes of considering the application, being I.A. No. 6870 of 2026 preferred by the homebuyers in Comp. App. (AT) (Ins.) No. 929 of 2025.

9. In this eventuality, we are conscious of the fact that there is an order of coordinate bench of 01.09.2026, but the manner in which it has been procured without disclosure of true and complete facts, itself creates a doubt with regard to the fairness with which the Resolution Professional has conducted himself, and because of the subsequent development and coupled with the facts that we have reserved the judgment in the instant company appeal, we request the Adjudicating Authority to defer the proceedings of approving the plan, which we are informed is to be taken up today under I.A. No. 64 of 2024.

10. The Resolution Professional himself is directed to shoulder the responsibility immediately to inform the Tribunal, not to proceed to consider the application being I.A. No. 64 of 2024. Apart from it, the Registrar of this Tribunal is also directed to send an immediate email to the Adjudicating

Authority not to proceed further for considering their application for approval of the resolution plan.

11. Owing to the aforesaid facts, there is apparent active and malicious connivance of the Resolution professional with the Successful Resolution Applicant. The reason being:

- (i) The Comp. App. (AT) (Ins.) No. 929 of 2025 was e-filed before the Registry of this Tribunal on 28.05.2025;
- (ii) The Resolution Professional had been actively contesting the proceedings even since its institution, and his participation commenced on 09.07.2025;
- (iii) When the Comp. App. (AT) (Ins.) No. 1589 of 2026 was preferred, it was filed on 25.08.2026;
- (iv) The Comp. App. (AT) (Ins.) No. 1589 of 2026, being subsequent in time, was supposed to disclose all the facts, including the fact of pendency of Comp. App. (AT) (Ins.) No. 929 of 2025, because it had been preferred by the appellant who was party to the Comp. App. (AT) (Ins.) No. 929 of 2025;
- (v) The Resolution Professional who appeared on the first date in Comp. App. (AT) (Ins.) No. 1589 of 2026, when the order was passed on 01.09.2026. It was his responsibility to have disclosed the facts about the pendency of the appeal because he had knowledge of its pendency. Remaining silent itself trues a connivance on the obvious that the

object is a quiet, apparent conspiracy for illegal waiver with the Successful Resolution Applicant;

- (vi) Not disclosing the facts of the pendency of Comp. App. (AT) (Ins.) No. 929 of 2025 and getting an order expediting the proceedings for approval of the plan was intended to render the proceedings of the Comp. App. (AT) (Ins.) No. 929 of 2025 as infructuous. Since this is apparent misconduct on the part of the Resolution Professional, who is being the officer of the court who has more responsibility to be fair in his conduct, he is required to be dealt with in accordance with law.

12. The intention of Resolution Professional had somehow overshadowed the interim order that was passed by this tribunal on 09.07.2025. In the instant company appeal, this itself dispels that Resolution Professional has been functioning with an ulterior motive.

13. As far as the Resolution Professional is concerned, the IBBI Board is directed to forthwith consider suspension of his license and carry out a disciplinary proceeding against him for belying his office in conducting the proceedings before the Tribunal.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Arun Baroka]
Member (Technical)

[Indevar Pandey]
Member (Technical)

SA/rr