

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1668 of 2026

IN THE MATTER OF:

Krrish and Brahma Buyers Association

...Appellant

Versus

Krone Finstock Private Limited & Ors.

...Respondents

Present:

For Appellant : Mr. Virender Ganda, Sr. Advocate with Mr. Sandeep Bajaj, Mr. Soayib Qureshi, Ms. Ishita Singh, Ms. Riya Palnitkar, Mr. Vinayak Girdhar and Ms. Katyayani, Advocates.

Mr. Abhishek Anand, Advocate for Applicant in I.A. No. 6714/2026.

For Respondents : Mr. Arvind Nayar, Sr. Advocate with Mr. Anirudh Bhat, Mr. Sanidhya Kumar, Mr. Akshay Joshi, Mr. Rahul Jain and Ms. Riya Sachdeva, Advocates for R-1.

Mr. Sunil Fernandes, Sr. Advocate with Ms. Meghna Rao, Mr. Abhishek Bose, Mr. Kailash Ram and Ms. Mehak Nayak, Advocates for R-2 & R-3.

Mr. Vikas Singh, Sr. Advocate with Mr. Dhaval Deshpande, Ms. Deepika Kalia and Mr. Sudeep Chandra, Advocates for Intervenors in I.A. No. 6845/2026.

Mr. Anoop Rawat, Mr. Aditya Marwah, Mr. Vishal Pathak and Mr. Neeraj Katyal, Advocates for Intervenors.

WITH

Company Appeal (AT) (Insolvency) No. 1775 of 2026

&

I.A. No. 6725 of 2026

IN THE MATTER OF:

Sanjay Sachdeva & Ors.

...Appellants

Versus

Krone Finstock Private Limited & Ors.

...Respondents

Present:

For Appellants : Mr. Virender Ganda, Sr. Advocate with Mr. Sandeep Bajaj, Mr. Soayib Qureshi, Ms. Ishita Singh, Ms. Riya Palnitkar, Mr. Vinayak Girdhar and Ms. Katyayani, Advocates.

Mr. Abhishek Anand, Advocate for Applicant in I.A. No. 6714/2026.

For Respondents : Mr. Arvind Nayar, Sr. Advocate with Mr. Anirudh Bhat, Mr. Sanidhya Kumar, Mr. Akshay Joshi, Mr. Rahul Jain and Ms. Riya Sachdeva, Advocates for R-1.

Mr. Sunil Fernandes, Sr. Advocate with Ms. Meghna Rao, Mr. Abhishek Bose, Mr. Kailash Ram and Ms. Mehak Nayak, Advocates for R-2 & R-3.

Mr. Vikas Singh, Sr. Advocate with Mr. Dhaval Deshpande, Ms. Deepika Kalia and Mr. Sudeep Chandra, Advocates for Intervenors in I.A. No. 6750/2026.

O R D E R
(Hybrid Mode)

22.09.2026: These appeals have been filed challenging the impugned order dated 10.08.2026, passed by the Ld. Adjudicating Authority (National Company Law Tribunal, New Delhi Bench, Court – III), whereby the petition under Section 7 of the Insolvency & Bankruptcy Code, 2016 (for short the “IBC”) was admitted against the corporate debtor namely M/s. Krrish Realtech Private Limited, on an application under Section 7 of the IBC filed by Respondent No. 1 i.e., Krone Finstock Private Limited.

2. Admittedly, the Appellant Association is not a party before the Ld. Adjudicating Authority and neither the individual homebuyers who are separately in *Company Appeal (AT) (Insolvency) No. 1775/2026*. The appellants are aggrieved by the impugned order on the ground Corporate Insolvency Resolution Process (“**CIRP**”) has been initiated based on false and fictitious debt and default thereon manufactured for the purpose of wiping out the claims of the allottees and to take away the precious parcel of land, situated at Section 63-68 of Gurgaon, value of which exceeds Rs.4,000 crore to Rs.6,000 crore.

3. It is submitted the said land has been owned by the corporate debtor since 2011 and is the only asset available with the corporate debtor and there is a conscious creation of false urgency, false cause of action and false claim to push the allottees of the corporate debtor out of the list of majority of creditors with a view to usurp the properties allotted to them through the means of CIRP, which action is unethical and *dehors* the objective of the IBC.

4. It is the submission of the learned Sr. Counsel for the appellant, earlier also efforts were made by the corporate debtor to get itself declared as an insolvent to usurp the legitimate rights of the homebuyers. Two such circumstances have been given in the appeal. Further it is submitted one Mr. M.K. Jain & Ors. filed a petition under Section 7 of the IBC against M/s. Krrish Realtech Private Limited before the Ld. Adjudicating Authority and to avoid the said petition under Section 7 of the IBC, the corporate debtor entered into a Loan Agreement dated 25.10.2024 with the financial creditor

i.e., Respondent No. 1 herein and sought assistance of Rs.5 crore to pay off M/s. M.K. Jain & Ors. However, the corporate debtor did not pay the same to M.K. Jain & Ors. as the petition filed under Section 7 of the IBC by Mr. M.K. Jain & Ors. was rather dismissed by the Ld. Adjudicating Authority, holding they are not the financial creditors and such petition is not maintainable under Section 7 of the IBC.

5. It is argued by the learned Sr. Counsel for the appellant, the said amount of Rs. 5 crore was never returned by the corporate debtor to the financial creditor and the financial creditor filed a petition under Section 7 of the IBC and to which a consenting reply was given by the corporate debtor to induce the insolvency.

6. Reference has been made to paragraphs 24 to 27 of the reply of the corporate debtor wherein the corporate debtor rather admitted its default by narrating the circumstances *viz.* **(a)** actively pursuing legal remedies to challenge the DTCP order dated 10.02.2022 before the High Court of Punjab and Haryana; **(b)** pursuing the writ petition as remanded by the Hon'ble Supreme Court for expeditious hearing; **(c)** challenging the confirmation of the Provisional Attachment Order before the Appellate Tribunal under PMLA; **(d)** exploring all possible avenues for raising funds and settling the financial creditor's dues at the earliest possible opportunity.

7. It is the submission, the insolvency is created and if this Tribunal is of the view the Association does not have any locus to file this appeal, but then even the individual homebuyers have also filed separate appeal.

Nevertheless, judgements were cited on either side stating *inter alia*, the association has a locus to file the appeal and another, it does not have the requisite locus.

8. Similarly, an issue arose during the arguments as to if the submissions made by the appellant can be duly dealt with under Section 65 of the IBC before the Ld. Adjudicating Authority, and the learned Sr. Counsel for the appellant relied upon the judgement namely, **‘Apnaghar Builders Pvt. Ltd.’ Vs. ‘Intense Fitness & Spa Pvt. Ltd. & Ors.’, [Company Appeal (AT) (Insolvency) No. 1025/2025 & I.A. No. 2964 – 2966/2022]** to say, this Tribunal thus have a jurisdiction to determine for the first time that the insolvent petition is fraudulent and collusive but as is submitted by the learned Sr. Counsel for the respondent that **‘Apnaghar’ (Supra)** is in contrast to the judgment of **‘Beacon Trusteeship Ltd.’ Vs. ‘Earthcon Infracon P. Ltd. & Anr.’, [2020 SCC OnLine SC 1233]** even otherwise **‘Apnaghar’ (Supra)** did not properly interpreted the findings given in **‘Embassy Property Developments Private Limited’ Vs. ‘State of Karnataka & Ors.’, [(2020) 13 SCC 308]**.

9. Considering the submissions, let the notice be issued to the respondents. Appellant to provide mobile Nos./e-mail address of the respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within two days.

10. Let reply be filed within 4 weeks from today. Rejoinder be filed within 4 weeks thereafter.

List these appeals on **05th November, 2026**.

Till the next date of hearing, the CoC, if constituted, shall not issue 'Form-G'.

**[Justice Yogesh Khanna]
Officiating Chairperson**

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

himanshu/md