

**BEFORE THE NATIONAL COMPANY LAW APPELLATE  
TRIBUNAL, NEW DELHI**

**(APPELLATE JURIDICATION)**

**Company Appeal (AT) (Insolvency) No.1056 OF 2019**

**IN THE MATTER OF:**

RAJESH GOYAL

....APPELLANT

VERSUS

BABITA GUPTA & ORS.

....RESPONDENTS

**INDEX**

Sr. No.	Particulars	Pages
1.	Report of the IRP along with affidavit.	1-8
2.	<b><u>ANNEXURE 1</u></b> A copy of the notice of the meeting along with detailed agenda of the meeting held on 03.01.2020.	9-17
3.	<b><u>ANNEXURE 2</u></b> A copy of the e-mail written by the IRP to the representative and office bearers of the association	16-17
4.	<b><u>ANNEXURE 3</u></b> A copy of the results of e-voting downloaded from the e-voting service provider.	18-21
5.	<b><u>ANNEXURE-4</u></b> Copy of e-mail written by the representative and office bearers of the association to IRP	22-24
6.	<b><u>ANNEXURE-5</u></b>	

	Copy of e-mail written by the IRP to appellant	25-26
7.	Vakalatnama	27
8.	Proof of Service	28

DATE: 04. 01.2020  
PLACE: NEW DELHI

IRP THROUGH



**RISHABH JAIN**

D-472/2018

ADVOCATE FOR THE INTERIM RESOLUTION  
PROFESSIONAL

H. NO-2511, S.T. NO.-12, BIHARI COLONY  
SHAH DARA DELHI - 110032  
MOBILE NO-9873431798

①

**BEFORE THE NATIONAL COMPANY LAW APPELLATE  
TRIBUNAL, NEW DELHI  
(APPELLATE JURIDICATION)**

**Company Appeal (AT) (Insolvency) No.1056 OF 2019**

**IN THE MATTER OF:**

RAJESH GOYAL

....APPELLANT

VERSUS

BABITA GUPTA & ORS.

....RESPONDENTS

**PROGRESS REPORT ALONG WITH AFFIDAVIT FILED  
BY THE INTERIM RESOLUTION PROFESSIONAL AS  
DIRECTED BY THIS HON'BLE APPELLATE TRIBUNAL  
VIDE ORDER DATED 17.12.2019**

1. That in compliance of order dated 17.10.2019 passed by this Hon'ble Tribunal, the present status/progress report is being filed at the instance of the Interim Resolution Professional of the Corporate Debtor i.e. Rajesh Projects Private Limited.
2. That in compliance of order dated 17.10.2019 passed by this Hon'ble Tribunal a physical meeting of the allottees to the real estate project of the Corporate Debtor, with in the silent category, was called by the IRP on 03.01.2020 to know their wishes within the category of "Possession"

R.

or "Refund". A copy of the notice of the meeting along with detailed agenda of the meeting held on 03.01.2020 is annexed herewith and marked as **Annexure-1.**

3. That in compliance of direction given by this Hon'ble Tribunal vide order dated 17.10.2019, the representatives from the R.G. Luxury Homebuyers Association were also invited by the IRP vide e-mail dated 28.12.2019. A copy of the aforesaid e-mail written by the IRP to the representative and office bearers of the association is annexed herewith as marked as **Annexure-2.**
4. That in compliance of direction given by this Hon'ble Tribunal vide order dated 17.10.2019, the representatives from Ex-management and appellant/promoter of the Corporate Debtor was also invited by the IRP vide e-mail dated 28.12.2019. A copy of the aforesaid e-mail written by the IRP to the Ex-management and promoters/appellant is already annexed as Annexure-2.
5. That though the discussion on the stalled real estate project of the Corporate Debtor made in the physical meeting dated 03.01.2020, but the preferences of the participants of meeting were recorded through e-voting only.

R

6. The outcome of the e-voting of 205 participants is as under:

Preference	Number of votes casted	% of total votes of the meeting
Possession	119	58
Refund	21	10
Abstained from E- voting	65	32
Total	205	100

A copy of the results of e-voting downloaded from the e-voting service provider is annexed herewith as **Annexure-3.**

7. That in compliance of order dated 19.11.2019, the IRP collated the claims of the allottees to know their preferences within the category of "Possession" or "Refund". The results of aforesaid collation are as under:

Preference	Number of votes casted	% of total votes of the meeting
Possession	754	72
Refund	93	9
Silent	205	19
Total	1052	100

*R*

8. That during the period of 27.11.2019 to 04.01.2020 details of preferences of fresh claims collated by IRP is As under:

Preference	Number of votes casted	% of total votes of the meeting
Possession	90	65
Refund	34	25
Silent	14	10
Total	138	100

9. That a table showing the aggregate results of the collation by IRP before physical meeting and E-voting and after physical meeting and E-voting is as under:

Preference	Number of votes casted	% of total votes of the meeting
Possession	963	81
Refund	148	12
Abstained from E- voting	79	7
Total	1052	100

10. That on 23.12.2019 IRP received an e-mail from the representatives from the R.G. Luxury Homebuyers Association wherein they, inter-alia, apprised to IRP that the preferences at the time of collation of claim was given

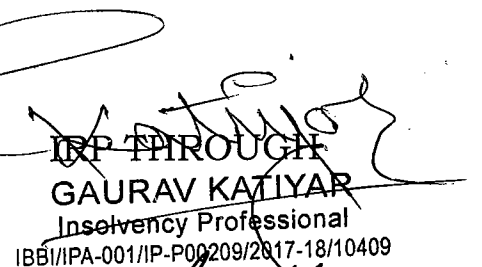
Ri

in the context of the CIR process instead of the settlement plan floated by the appellant. A copy of the e-mail is annexed herewith and marked as **Annexure-4**.

11. That in compliance of order dated 19.11.2019, the IRP wrote e-mail dated 18.12.2019 to the ex-management to provide the consents of the claimants obtained by the appellant. A copy of the aforesaid e-mail is annexed herewith as **Annexure-5**. In this regard it is submitted that the appellant, instead of providing the consents of the claimants replied to the IRP in evasive manner that all the consents are with IRP only. Hence, due to aforesaid circumstances the details of claimants who had consented the proposal floated by the appellant could not be collected by the IRP.

It is, therefore, most respectfully prayed that this Hon'ble Appellate Tribunal may be pleased to take this report on record.

DATE: 04.01.2020  
PLACE: NEW DELHI

  
IRP THROUGH  
GAURAV KATIYAR  
Insolvency Professional  
IBBI/IPA-001/IP-P00209/2017-18/10409

  
**RISHABH JAIN**

D-472/2018

ADVOCATE FOR THE INTERIM RESOLUTION  
PROFESSIONAL

H. NO-2511, S.T. NO.-12, BIHARI COLONY  
SHAHDARA DELHI - 110032  
MOBILE NO-9873431798



सत्यमेव जयते

## INDIA NON JUDICIAL

6  
Government of National Capital Territory of Delhi

### e-Stamp

Certificate No.

: IN-DL05128392841562S

Certificate Issued Date

: 04-Jan-2020 04:11 PM

Account Reference

: IMPACC (IV)/dl700603/ DELHI/ DL-DLH

Unique Doc. Reference

: SUBIN-DL70060319759271577363S

Purchased by

: GAURAV KATIYAR

Description of Document

: Article Others

Property Description

: Not Applicable

Consideration Price (Rs.)

: 0  
(Zero)

First Party

: GAURAV KATIYAR

Second Party

: Not Applicable

Stamp Duty Paid By

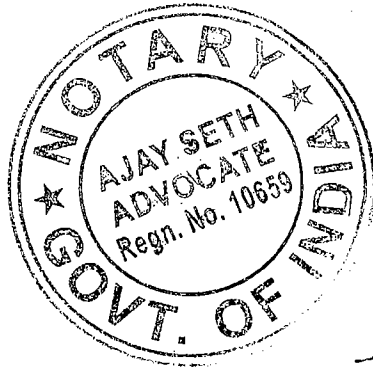
: GAURAV KATIYAR

Stamp Duty Amount(Rs.)

: 10  
(Ten only)



Please write or type below this line



*[Handwritten Signature]*

#### Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

**BEFORE THE NATIONAL COMPANY LAW APPELLATE  
TRIBUNAL, NEW DELHI**

**(APPELLATE JURIDICATION)**

**Company Appeal (AT) (Insolvency) No.1056 OF 2019**

**IN THE MATTER OF:**

RAJESH GOYAL

....APPELLANT

VERSUS

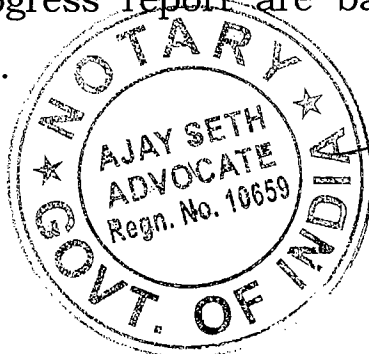
BABITA GUPTA & ORS.

....RESPONDENTS

**AFFIDAVIT IN SUPPORT OF PROGRESS/STATUS  
REPORT OF THE IRP**

I, Gaurav Katiyar S/o Late Shri Yogesh Kumar Katiyar, aged about 39 years, having office at D-32, East of Kailash, New Delhi – 110065, do hereby solemnly affirm and declare as under

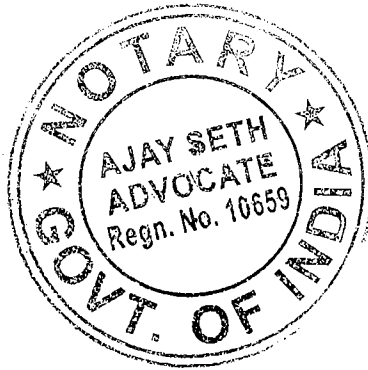
1. That I am the IRP in the above captioned matter and well conversant with the facts and circumstances of the present report and therefore, competent to depose about the same.
2. That the contents of the accompanying present status/progress report have been drafted under my instructions and the contents of the same have been read over, explained to me and admitted by me to be true and correct.
3. That the contents of the accompanying present status/progress report are based on my personal knowledge.



**DEPONENT**  
GAURAV KATIYAR  
Professional  
Affidavit No. 09/2017-18/10409

**VERIFICATION:**

Verified at New Delhi on this       day of, January, 2020 that the contents of aforesaid paras are true and correct to my knowledge and belief and no part of it is false and nothing has been concealed therefrom.



**DEPONENT**  
GAUR  
Insolver  
IBBI/PA-001/JP-7      201      3/10409

**ATTESTED**

NOTARY PUBLIC  
DELHI (INDIA)

4 JAN 2020

Notice to the 167 allottees of Rajesh Projects (India) Private Limited

9

Notice is hereby given to 167 allottees (list attached) to the real estate projects of Rajesh Projects (India) Private Limited that in compliance of the direction dated 17.12.2019 given by the Hon'ble NCLAT, the IRP hereby **convene the physical meeting of the 167 allottees** (who chose to remain silent in terms of the order 19.11.2019) to know their wishes or preference within the categories of "POSSESSION" and "REFUND" with respect to their claims in the flats/shops in the corporate debtor.

The meeting is proposed to be held on 03.01.2020, Friday, at 3:00 P.M. onwards.

Further, the venue of the meeting shall be notified shortly which will be tentatively in Noida or Delhi.

Furthermore, the aforesaid invitation is also open to the Ex-management and representatives of the R.G. Luxury Homebuyer Association.

The detailed notice to the meeting and the agenda and notes will be released shortly.

Attachment:-

1. List of the allottees entitled to attend, participate and vote.

L. A.  
TRUE COPY

Addendum to General Public Announcement

10

After the issuance of general public announcement dated 28.12.2019 wherein the physical meeting of 167 allottees was convened, IRP received one e-mail from the allottee wherein the allottee apprised to IRP that he was part of defective list and had not given any preference, therefore he is entitled to attend the meeting.

A bare perusal of the order dated 17.12.2019 clearly reveals that the Hon'ble NCLAT had directed the IRP to call the meeting of "allottees" who has not given any preference and has nothing to do with claim. Hence the allottees of defective list who has not given any preference are found to be entitle to e-vote, attend and participate in the physical meeting dated 03.01.2020. The list of such allottees is annexed herewith and IRP will serve the notice of the meeting to such allottees individually.

Attachment: -

1. List of the additional allottees entitled to attend, participate and vote.

  
TRUE COPY

AGENDA FOR THE MEETING OF THE 167 ALLOTES OF RAJESH PROJECTS (INDIA) PRIVATE LIMITED ("CORPORATE DEBTOR"), TO BE HELD ON FRIDAY, THE 3<sup>rd</sup> DAY OF JANUARY 2020 AT 03:00 PM AT BHAGWATI GARDEN, VIKAS MARG, VILLAGE BASAI, SECTOR-70, OPP. OIDB BUILDING, GAUTAM BUDH NAGAR, NOIDA- 201307

AGENDA NO.	PARTICULARS	DURATION / ACTION REQUIRED
ATTENDANCE		
1	IRP in presence of Representative of the R.G. Luxury Homebuyers Association and Ex-Management to preside over the meeting.	To Chair.
FOR DISCUSSION BY IRP		
3	To give brief about the CIR Process to the participants.	Around 15 minutes
4	To update the CIR Process of the Corporate Debtor to the participants.	
FOR DISCUSSION BY REPRESENTATIVE OF ASSOCIATION		
5	To give brief, update and give insights, to the participants, about the Real Estate Project of the Corporate Debtor etc. so that the participant can take the well-informed decision.	Around 30 minutes
FAQs SESSION JOINTLY BY THE IRP AND REPRESENTATIVE OF ASSOCIATION		
6	After the aforesaid session the IRP and Representative shall jointly and collectively address/answer the queries of the participants in the following manner: <ul style="list-style-type: none"><li>IRP will address the queries only related to CIR Process;</li><li>The Representative of the Home Buyer Association will address the queries related to CIR Process, stalled real estate project, operation and finance of the Corporate Debtor.</li></ul>	Around 15 minutes

*R.K.*  
TRUE COPY

FOR DISCUSSION BY THE EX-MANAGEMENT		
7	To give brief, update and give insights, to the participants, about the Real Estate Project of the Corporate Debtor so that the participant can take the well-informed decision.	13  Around 30 minutes.
8	To discuss the proposal floated by the Promoter of the Corporate Debtor.	
FAQs SESSION BY THE EX-MANAGEMENT		
9	After the aforesaid session the Ex-management will address/answer the queries of the participants related to CIR Process, stalled real estate project, proposal, operation and finance of the Corporate Debtor.	Around 15 minutes
OTHER MATTERS		
10	To discuss any other matter with permission of participants.	To discuss, if required
E-VOTING		
11	After the discussion E-Voting in the following options	
	(i) What is your preference/wish with respect to your claim in flats/shops allotted by the Corporate Debtor: (a) Possession (b) Refund	To be e-voted
	(ii) What is your wish on the proposal floated by the promoter of the Corporate Debtor: (c) Agree (d) Disagree	To be e-voted

### Important notes :

#### 1. Voting:

All the participants shall vote on the agenda number 11 (i) and (ii).

#### 2. Manner of voting:

Voting shall be done through e-voting only.

#### 3. Time limit to e-vote on agenda number 11(i) and (ii)

The E-voting window shall be open for the participants for voting from 02.01.2020, 12:01 P.M. to 04.01.2020 till 06.00 P.M.

#### 4. E-voting instructions shall be sent to the participants separately.

#### 5. Google Map showing the venue of meeting is attached herewith.

#### 6. Hyperlink showing the venue of meeting <https://g.co/kgs/2zeYk2>



TRUE COPY

Corrigendum to agenda of the meeting of 205 allottees of Rajesh Projects

15

(India) Private Limited scheduled on 03.01.2020, Friday, at 3:00 P.M. at Bhagwati Garden, Vikas Marg, Village Basai, Sector-70, Opp. OIDB Building, Gautam Budh Nagar, Noida- 201307

After the issuance of notice dated 28.12.2019 wherein the physical meeting of 205 allottees was convened, IRP received representations from the allottee, Home Buyers Association wherein all of them apprised to IRP that agenda no 11(ii) cannot be put to vote for 205 buyers only. Whereas Ex-Management apprised that no such direction was given by the Hon'ble NCLAT, hence agenda no 11(ii) cannot be put to vote in proposed meeting.

Since all the participants of meeting i.e. allottee, Home Buyers Association and Ex-Management have requested to delete the agenda no 11(ii), hence agenda no 11(ii) is deleted from the e-voting.

Office of IRP of M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

Date : 01.01.2020  
Place : New Delhi

  
TRUE COPY

**Notice to the 167 allottees of Rajesh Projects (India) Private Limited (who chose to remain silent in terms of the Hon'ble NCLT order 19.11.2019)**

3 messages

*Annexure-2*

16

IRP of Rajesh Projects &lt;rgi.cirp@gmail.com&gt;

Sat, Dec 28, 2019 at 10:17 PM

Bcc: Vivek Singh <viveksingh35@gmail.com>, Kanishak Varshney <Vkanishak@gmail.com>, vtiwari2005@gmail.com, Western Drug Distributors <wddgzb@gmail.com>, ybansal2011@gmail.com, yogesh99111@gmail.com, deepak.rpipl@gmail.com, Deepak Gupta <dgupta@rggroup.in>, Rajesh Goyal <rajesh.rpipl@gmail.com>, Rajesh Goyal <cmd@rggroup.in>, RGLUX -Association Team <rgluxury.association@gmail.com>

Notice is hereby given to 167 allottees to the real estate projects of Rajesh Projects (India) Private Limited that in compliance of the direction dated 17.12.2019 given by the Hon'ble NCLAT, the IRP hereby convene the physical meeting of the 167 allottees (who chose to remain silent in terms of the order 19.11.2019) to know their wishes or preference within the categories of "POSSESSION" and "REFUND" with respect to their claims in the flats/shops in the corporate debtor.

The meeting is proposed to be held on 03.01.2020, Friday, at 3:00 P.M. at Bhagwati Garden, Vikas Marg, Village Basai, Sector-70, Opp. OIDB Building, Gautam Budh Nagar, Noida- 201307.


Furthermore, the aforesaid invitation is also open to the Ex-management and representatives of the R.G. Luxury Homebuyers Association.

**Enclosure : Agenda of aforesaid meeting**

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: www.gauravkatiyar.in

 Agenda of Meeting\_03.01.2020.pdf  
750K

**TRUE COPY**

Vinod Tiwari &lt;vtiwari2005@gmail.com&gt;

Sun, Dec 29, 2019 at 10:22 PM

To: IRP of Rajesh Projects &lt;rgi.cirp@gmail.com&gt;

Cc: Rajesh Goyal <rajesh.goyal@rggroup.in>, RGLUX -Association Team <rgluxury.association@gmail.com>, RGLH Tower C <rglhtowerC@rggroup.in>

Dear Mr Katiyar,

I am very surprised to receive your notice to appear personally on 03.01.2020 to submit my option in the case of real estate projects of Rajesh Projects (India) Private Limited.

I wish to remind you that I have already submitted my papers to you on 07th October, 2019 and a duly authentic receipt was received from your office on my email id (Copy attached).

The fact as it stands now is that as already stated in my papers for your consideration and submitted that "Kindly note that I am filing the claim in terms of your notification dated 24.09.2019, however, I prefer to take possession of my flat in a proper habitable condition".

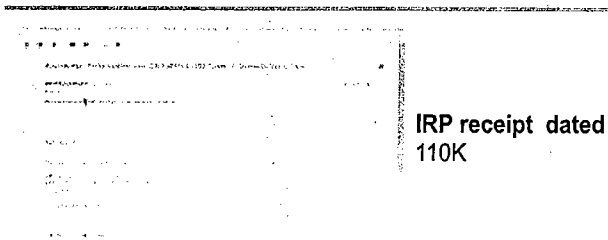
I am again forwarding to you my papers submitted earlier in October 2019 separately to your email id for making due correction in your records.

It is requested that my option be included and a revised receiving letter may be issued with due noting of my option as mentioned above in your records for taking action against Rajesh Projects (India) Private Limited.

Sincerely,  
Dr Vinod Tiwari  
Flat no. C-602  
Tower no. C  
Contact no. 9518642403  
Email id: vtiwari2005@gmail.com

17

[Quoted text hidden]



IRP receipt dated 7.10.2019- Dr Vinod Tiwari, Flat C-602.png  
110K

Kanishak Varshney <vkanishak@gmail.com>  
To: IRP of Rajesh Projects <rgi.cirp@gmail.com>

Thu, Jan 2, 2020 at 8:51 AM

Hi Mr. Gaurav,

I will not be able to attend the meeting physically but i will be able to provide my preference for point 11.

Is E-voting through email? Will we get some email to provide our opinion on 11.

Please let me know.

Thanks,  
Kanishak Varshney  
H-602  
vkanishak@gmail.com

Sent from my iPhone

On Dec 28, 2019, at 10:47 AM, IRP of Rajesh Projects <rgi.cirp@gmail.com> wrote:

[Quoted text hidden]  
<Agenda of Meeting\_03.01.2020.pdf>

R. R.  
TRUE COPY



Right2Vote

Rajesh Projects India Private Limited

18

Created By: Gaurav Katiyar

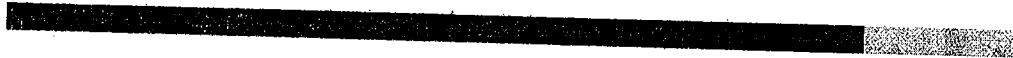
Start Time: 02 Jan 2020, 12:01 pm (IST)

End Time: 04 Jan 2020, 06:00 pm (IST)

What is your preference/wish with respect to your claim in flats/shops allotted by the Corporate Debtor:

Annexure-3

Possession



Votes 116  
85 %

Refund



Votes 21  
15 %

59 voter(s) having total vote value of 68 have not voted.

True copy  
R. R.

19



IRP of Rajesh Projects <rgi.cirp@gmail.com>

**Your preference in reference to e-voting : in the matter of Rajesh Projects India Private Limited**

Amit Kumar <1kamil@gmail.com>  
To: IRP of Rajesh Projects <rgi.cirp@gmail.com>

Sat, Jan 4, 2020 at 9:57 AM

Dear Sir,  
My self Amit Kumar, having flat no D-1801, R G Luxury Homes of Rajesh Projects India Private Limited.

My preference is POSSESSION.

Thanks & Regards  
Amit Kumar  
M-9717083441  
[Quoted text hidden]

R. K.  
TRUE COPY



Voting - Possession

1 message

atul.kumar <kumar.atul4@gmail.com>  
To: "rgi.cirp@gmail.com" <rgi.cirp@gmail.com>  
Cc: NIDHI SHARMA <nidhi2006sharma@gmail.com>

Sat, Jan 4, 2020 at 9:38 AM

Dear Mr. Gaurav Katiyar,

I could not participate in e-voting due to my wrong email I'd mention in your database .

By this email, I would like to mention my stand which is to go for a "**Possession**".

My unit details are as follows

Name: Atul Kumar  
Flat No. 1905  
Tower No. H  
Contact No. 9717084406  
Contact email id: kumar.atul4@gmail.com

I would like to request you earnestly to consider this email as my preference for "**Possession**".

Thanks  
Atul  
Mob: +91-9717084406

o | "Be the engine of your vehicle"  
o/ | Go Biking, Go Green

R. K.

TRUE COPY

21



IRP of Rajesh Projects <rgi.cirp@gmail.com>

## Non Receipt of OTP

2 messages

Vivek Singh <viveksingh35@gmail.com>  
To: IRP of Rajesh Projects <rgi.cirp@gmail.com>  
Cc: cagauravkatiyar@gmail.com

Fri, Jan 3, 2020 at 5:30 PM

Sir,  
For Flat no. D 1203 RG Luxury the OTP is not coming even after multiple attempts. We want to opt for 'Possession'. Email Id: viveksingh35@gmail.com. Please ask your associates to correct if they have entered any other email by mistake. If the system doesn't work please take our vote for 'Possession'. I have attended your meeting today.  
Vivek Singh  
Mob 9873908587

IRP of Rajesh Projects <rgi.cirp@gmail.com>  
To: Vivek Singh <viveksingh35@gmail.com>

Sat, Jan 4, 2020 at 9:23 AM

Fine, We will consider your preference on the basis of trailing e-mail.

Regards  
[Quoted text hidden]

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: [www.gauravkatiyar.in](http://www.gauravkatiyar.in)

R. K.  
TRUE COPY

## Court Mandated Meeting & Clarification Regarding Options Chosen during Filing of Claims by the Homebuyers.

2 messages

Annexure-4

22

RGLUX -Association Team <rgluxury.association@gmail.com>  
To: rgi.cirp@gmail.com

Mon, Dec 23, 2019 at 9:34 PM

Dear Sir,

We have already verbally clarified the following to you on December 17, 2019 and once again put forth the same to you once again as a gentle reminder:

1. Buyers had chosen option of "possession" or "Refund" while filing their claims during in Form CA, voluntarily. However that option was chosen for the purpose of and in the background of CIRP process only. That option has nothing to do with the offer of the builder/ Mr. Rajesh Goyal, which was made only recently, on December 11, 2019. The said options were chosen much before builder's said offer of December 11, 2019. And hence have no relation with the said offer of the builder, Mr. Rajesh Goyal.
2. Offer from the builder, Mr. Rajesh Goyal, was made on December 11, 2019. As per Para 7 of his affidavit dated December 16, 2019, email dated December 11, 2019 were sent to 1400 allottees for seeking their consent. Copies of the said affidavit dated December 16, 2019 and Letter to allottees date December 11, 2019 are attached herewith for your ready reference.
3. The homebuyers have replied to the above said email dated December 11, 2019. Several homebuyers, to our knowledge, have also marked you in such replies to the builder. Thus you already have knowledge of the 'will' of such home buyers with you. The remaining "will" or details of replies of homebuyers may kindly be obtained by you from the builder, Mr. Rajesh Goyal pursuant to the the order of hon'ble NCLAT. We humbly request you that once you fix a date of meeting or voting of remaining homebuyers based on above information, the same be kindly communicated to us as per said order of hon'ble NCLAT.
4. Further, we rely on the first para of the order dated 17.12.2019 of the hon'ble NCLAT for our above interpretation. The said para reads as under :

*'Interim Resolution Professional' is directed to call for a **meeting of the allottees** within a week, **who have not opted any option**, if necessary **by e-voting**, to take their opinion as to whether they want refund of the amount or the premises within a reasonable time. **All those who have already opted for, their details be forwarded to the Interim Resolution Professional**, if not available with the 'Interim Resolution Professional'.*

--  
Warm Regards

For RG Luxury Homebuyers Association

CS Sundeep K Parashar, President

R. R.

TRUE COPY

Mohit Shukla, Gen. Secretary


Rahul Chohan, Secretary

Habib Ul Rehman, Treasurer

23

**2 attachments**

 **16.12.2019 Affidavit filed by RG 16122019.pdf**  
2652K

 **Letter to allottees 11th December 2019.pdf**  
4273K

**IRP of Rajesh Projects** <rgi.cirp@gmail.com>

Sat, Dec 28, 2019 at 5:26 PM

To: RGLUX -Association Team <rgluxury.association@gmail.com>

Dear Sir(s),

This is in reference to your mail dated 23.12.2019 wherein you have requested us to call for meeting of remaining buyers instead of 167 buyers, in this regard it is submitted that the order dated 17.12.2019 passed by Hon'ble NCLAT is quite clear and unambiguous and interpreted by us in the following manner:

1. IRP was directed to call for the meeting of buyers who has not opted for any preference to know their wishes;
2. IRP was directed to collect the consent from the appellant/promoter of the Corporate Debtor;
3. IRP was directed to file detailed reply on the basis of the outcome of the meeting and the consents provided by the promoter and
4. The Representatives of the Home Buyer association and ex-management were also allowed to remain present in the meeting to facilitate the settlement.

I write to inform you that to maintain the check and balances, the IRP has opted to know the wishes of the buyers through e-voting only not through ballot voting or show of hands which is in spirit to maintain the transparency, integrity and sanctity of the outcome of the meeting. Further to increase the participation of the buyers the IRP has decided to keep voting window open aggregate of 60 hrs (approx, pre and post meeting). Further the venue of the meeting is fixed at Noida which is closer to project site.

Further, your request e-voting by the remaining buyers instead of 167 buyers cannot be accepted by the IRP simply because the order dated 17.12.2019 passed by Hon'ble NCLAT is quite clear and unambiguous and direction is given to call the meeting of buyers within the category of "SILENT".

Furthermore, since matter is sub-judice before Hon'ble NCLAT, IRP has no decision-making powers which is the spirit and intent of the code. The meeting is being done to comply the directions given by Hon'ble NCLAT vide order dated 17.12.2019. It is further stated that in case Hon'ble NCLAT directs us further, the order shall be binding on your IRP and IRP is bound to comply the same.

R. R.  
**TRUE COPY**

It is further stated that to maintain the transparency of the meeting, the IRP has decided to give you 30 minutes opportunity to address the participants.

Furthermore, needless to mention that your IRP will file the report before Hon'ble NCLAT on the basis of consents given by the promoter/appellant and outcome of the meeting. The IRP will clarify and distinguish in his report the preferences of buyer pursuant to the FAQs issued by the IRP and proposal given by the promoter/appellant.

24

In compliance of the direction given by the Hon'ble NCLAT, I hereby request you to please nominate 2 (two) representatives from your association who shall remain present in the meeting and address the buyers/participants.

Further, the details of meeting such as notice and agenda to the meeting shall be shared to you within due course.

--  
Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: [www.gauravkatiyar.in](http://www.gauravkatiyar.in)

[Quoted text hidden]  
--

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: [www.gauravkatiyar.in](http://www.gauravkatiyar.in)

R. P.

TRUE COPY

## Ref. Order passed by Hon'ble NCLAT on 17.12.2019

3 messages

Annexure-5

Wed, Dec 18, 2019 at 11:41 AM

IRP of Rajesh Projects &lt;rgi.cirp@gmail.com&gt;

To: Rajesh Goyal &lt;cmd@rggroup.in&gt;, Rajesh Goyal &lt;rajesh.rpipl@gmail.com&gt;, Deepak Gupta &lt;dgupta@rggroup.in&gt;, deepak.rpipl@gmail.com, Amod Kumar Jha &lt;amod.kumar@rggroup.in&gt;

Mr. Goyal,

This in reference to order passed by Hon'ble NCLAT on 17.12.2019.


Kindly provide list allottees who have opted for either refund or possession in response to your settlement proposal dated 11.12.2019 &amp; 16.12.2019 along with their consents.

Your response on immediate basis is appreciated as it is essential to conduct e-voting as per timelines given by Hon'ble NCLAT

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: www.gauravkatiyar.in

 NCLAT order 17122019.pdf  
260K

IRP of Rajesh Projects &lt;rgi.cirp@gmail.com&gt;

Sat, Dec 21, 2019 at 7:36 AM

To: Rajesh Goyal &lt;cmd@rggroup.in&gt;, Rajesh Goyal &lt;rajesh.rpipl@gmail.com&gt;, Deepak Gupta &lt;dgupta@rggroup.in&gt;, deepak.rpipl@gmail.com, Amod Kumar Jha &lt;amod.kumar@rggroup.in&gt;

Mr. Goyal,

This is continuation to our e-mail dated 18.12.2019, Kindly provide requisite information at the earliest.

We would require at least 5-6 days to arrange e-voting, as we have to provide authentic data for e-voting to service provider.

So your kind cooperation would be highly appreciated.

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: www.gauravkatiyar.in

[Quoted text hidden]

IRP of Rajesh Projects &lt;rgi.cirp@gmail.com&gt;

Mon, Dec 23, 2019 at 6:19 PM

To: Rajesh Goyal &lt;cmd@rggroup.in&gt;, Rajesh Goyal &lt;rajesh.rpipl@gmail.com&gt;, Deepak Gupta &lt;dgupta@rggroup.in&gt;, deepak.rpipl@gmail.com, Amod Kumar Jha &lt;amod.kumar@rggroup.in&gt;

Mr. Goyal,

TRUE COPY

Awaiting your response.

Your kind cooperation would be highly appreciated.

Warm Regards

Office of Interim Resolution Professional of  
M/s. Rajesh Projects (India) Private Limited  
IBBI Registration No.: IBBI/IPA-001/IP-P00209/2017-18/10409  
Address: D-32, East of Kailash, New Delhi - 110065  
(L) 011 4905 0107

URL: [www.gauravkatiyar.in](http://www.gauravkatiyar.in)

[Quoted text hidden]

26  
R. R.  
TRUE COPY

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL  
AT NEW DELHI

27

COMPANY APPEAL (AT) (Insolvency) NO 1056 OF 2019

In Re:-  
Rajesh Goyal

Appellant/Petitioner/ Applicant.

Versus

Babita Gupta & Ors.

Defendant/Respondent

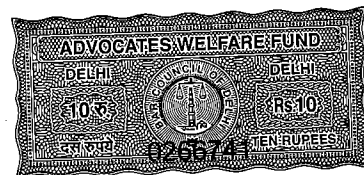
Know all to whom these present shall come that I/we Mr. Gaurav Katiyar, Interim Resolution Professional of Rajesh Projects (India) Private Limited, do hereby appoint.

RISHABH JAIN  
D/472/2018

ADVOCATE

Office: H. No-2511, S.T. No-12, Bihari Colony, Delhi-110032

Mobile: 9873431798



(herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him:-

To act, appear and plead in the above-noted case in this court/Tribunal or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all facts done by the advocate or his substitute in the matter as my/our own acts., as if done by me/us to all intents and proposes.

And I/We undertake that I/we or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I /We here agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 Years the original fees shall be paid again by me/us.

IN WITNESS WHEREOF / I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 15th October, 2019.

Accepted subject to the terms of the fees.

Rishabh

Advocate

RISHABH JAIN

Advocate

Enrl. No. D-472/2018  
H. No. 2511, St. No. 12,  
Bihari Colony, Delhi-110032  
Mobile No. 9873431798



(Client)

GAURAV KATIYAR

Insolvency Professional

IBBI/PA-001/IP-P00209/2017-18/10409

I identify signature of  
my client. Rishabh  
10/10/2019