

**BEFORE THE
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,
CHENNAI**

Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,

I.A. No. 200 of 2021

in

CCP No.20 of 2021

M/s.Unitech Limited

... Applicant/Respondent

-Vs-

Hemalatha D

... Respondents/Complainant

Heard on : 09.11.2021

Delivered on : 16.11.2021

ORDER

The above application under section 151 of the Code of Civil Procedure, 1973 is filed by the applicant/respondent to suspend the present proceedings against the applicant company and subsidiaries in pursuance of an order dated 20.01.2020 by the Hon'ble Supreme Court.

2. Averments of the applicant, in brief, as follows:-

(a) The affidavit of the authorized signatory of the applicant company is filed in support of the application. The authorized signatory is well aware of the facts of the case through records. The Hon'ble Supreme Court of India in the matter title as "Bhupinder Singh versus Unitech Ltd" vide Civil Appeal No.10856/2016 and other connected matters pertaining to Unitech Limited has passed an order dated 20.01.2020, whereby, the erstwhile Board of Directors of Unitech Ltd has been superseded and a new Board of Directors has

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been constituted as proposed by the Union of India. While considering the proposal of the Union of India, the Hon'ble Supreme Court directed a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. This moratorium has been extended to existing proceedings and enforcement of orders that may have been passed against Unitech Limited and its subsidiaries and copy of the order dated 20.01.2020 is enclosed herewith. Hence, this petition praying to suspend the present proceedings before the applicant company and its subsidiaries.

3. Counter averments of the respondent/complainant, in brief, as follows:-

- (a) The respondent/complainant objects the application.
- (b) It is stated that the Hon'ble Supreme Court imposed moratorium on pending investigations and proceedings against the respondent/complainant vide order dated 20.01.2020. It is not clear as to whether the moratorium continues till date and is applicable for this case. The present applications are liable to be dismissed with a direction to the applicant/respondent to file his written statement.

(4) The point that arises for determination:

- (i) Whether the applications seeking to suspend the present proceeding against the applicant company and its subsidiaries on the basis of the order of the Hon'ble Supreme Court dated 20.01.2021 is maintainable?
- (ii) Whether the applicant is entitled for any relief?

(5) Answer for the point Nos.(i) and (ii):

Heard both sides. It is not in dispute that the Hon'ble Supreme Court passed an order on moratorium and the period of moratorium was 12 months vide

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order dated 20.01.2020 and the same has already elapsed. The counsel for the applicant has not filed any order granting extension of the period of moratorium which is said to be still in force till the date of this order. By taking advantage of the earlier order of the Hon'ble Supreme Court, giving moratorium for a period of 12 months, the learned counsel cannot seek to suspend the proceedings. The application is found not maintainable. Hence the application is liable to be dismissed. Thus, the point is answered accordingly.

In the result, the application is dismissed with cost.

**Sd/- 16.11.2021
G.SARAVANAN,
ADJUDICATING OFFICER.**

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16.11.2021
LAW OFFICER
TN REAL ESTATE REGULATORY AUTHORITY