

**BEFORE THE HON'BLE ADJUDICATING OFFICER,
TNRERA, CHENNAI
I.A. No. 52/2021
in
C.C.P. No. 279 of 2019**

M/s.Unitech Limited

... Applicant/Respondent

-Vs-

1. R.G.Karthic Balaji

2. P. Chandrika

... Respondent/Complainants

Heard on : 24.08.2021

Delivered on : 05.10.2021

ORDER

The above application 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Unitech Limited has passed an order dated 20.01.2020, whereby, the erstwhile Board of Directors of Unitech Ltd has been superseded and a new Board of Directors has been constituted as proposed by the Union of India.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

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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:-

The respondent/complainant objects the application, except admitted. It is accepted that the Hon'ble Supreme Court imposed moratorium on pending investigations and proceedings against the respondent/complainant vide order dated 20.01.2020. The period of moratorium requested in the proposal of Union Government was for 12 months which has already elapsed. The present application is liable to be dismissed with a direction to the respondent to file his written statement.

(4) The point that arises for determination:

- (i) Whether the application 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 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

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advantage over 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 not found 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/- 05.10.2021
G.SARAVANAN,
ADJUDICATING OFFICER.**

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5/10/2021
LAW OFFICER
TM REAL ESTATE REGULATORY AUTHORITY