



**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008**

[Under the Real Estate (Regulation and Development) Act, 2016]

C.Nos.126 to 128/2020

6th day of October, 2021

**Coram : Thiru K. Gnanadesikan, I.A.S. (Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

Name of the Complainants (Tvl.)	Complaint Nos.	
1) S. Muthukumar	126/2020]
2) S. Muthukumar	127/2020]
3) S. Muthukumar	128/2020]

Complainants

Versus

1) M/s. Hamsini Foundations (P) Ltd.]]	
Represented by its Managing Director]	R1]
Thiru P.G. Prabhakar Reddy]]	Respondents
2) Thiru A. Arumugam, Resolution Professional	R2]	

These Complaints came up for hearing before this Authority in the presence of TN. Buvaneshwaran – Counsel for Complainant and of Thiru A.Arumugam, Resolution Professional representing the Respondent Promoter and upon hearing both the parties, this Authority passes the following order.

ORDER

In respect of these Complaints, Thiru A. Arumugam, Resolution Professional representing the Respondent Promoter M/s. Hamsini Foundation (P) Limited has filed a Common Counter Affidavit stating that he has been appointed by the Hon'ble NCLT, Chennai as Resolution Professional in its order dated 12.03.2019 in CP/1361/IB/2018 in respect of the Respondent Promoter Company which is under Corporate Insolvency Resolution Process.

2. The Resolution Professional has further stated that according to Section-14(1)(a) of the IBC, there is a bar against institution of suit, continuation of pending suits or proceedings against the Corporate Debtor. Admittedly, these Complaints were preferred after declaration of moratorium under Section 14 of the IBC and as such the same is prohibited under law.

3. The Resolution Professional has also submitted that having participated and voted in favour of the approval of the Resolution Plan, the Complainant is estopped from filing/maintaining the Complaints against the Respondent.

4. The Resolution Professional has prayed that these complaints may be dismissed in view of the legal position stated above.

5. Therefore, this Authority directs the Complainant to await the outcome of the IBC proceedings against the Respondent Promoter.

6. The Complainant is at liberty to revive the Complaints at the appropriate time, if required, after final orders are passed by the Hon'ble NCLT, Chennai.

Sd/-...06.10.2021

MEMBER (M), TNRERA

Sd/-...06.10.2021

MEMBER (J), TNRERA

Sd/-...06.10.2021

CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

N. Anand
6/10/21
ADMINISTRATIVE OFFICER

du
6-10-21