

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 883 of 2025

IN THE MATTER OF:

Manish Mittal

...Appellant(s)

Versus

MKMG Jewel Developers Pvt. Ltd. & Ors.
Present:

...Respondent(s)

For Appellant : Mr. Ravi Krishan Chandna, Mr. Nitesh Gupta, Mr. Abhay Singh, Mr. Mnaish Mittal, Advocates.

For Respondents : Mr. Prashant Mehta, Advocate for CoC.

With

Comp. App. (AT) (Ins) No. 868 of 2025

IN THE MATTER OF:

Sharad Jain

...Appellant(s)

Versus

Durga Das Agarwal,
RP of MKMG Jewel Developers Pvt. Ltd.
Present:

...Respondent(s)

For Appellant : Mr. Palash S. Singhai, Ms. Parul Khanna, Mr. Harshal Sareen, Advocates.

For Respondents : Mr. Prakhar Mithal, Advocate for Suspended Management.
Mr. Prashant Mehta, Advocate for CoC.
Mr. Mohit Chaudhary, Mr. Jayesh Gupta, Mr. Naushatra Shandilya, Advocates for R-2,3 and 4.

O R D E R
(Hybrid Mode)

01.07.2025: This order shall dispose of two appeals bearing CA (AT) (Ins) No. 883 of 2025 titled as Manish Mittal vs. MKMG Jewel Developers Pvt. Ltd. & Ors. (herein after referred to as first appeal) and CA (AT) (Ins) no.

868 of 2025 titled as Sharad Jain vs. Durga Das Agarwal, RP of MKMG Jewel Developers Pvt. Ltd. (herein after referred to as second appeal) as the issue involved in both the appeals is common.

2. Briefly put, Ambrane India Pvt. Ltd. filed an application under Section 7 against MKMG Jewel Developers Pvt. Ltd. (Corporate Debtor) before the National Company Law Tribunal, New Delhi which was admitted on 12.01.2022 and Durga Das Agrawal was appointed as IRP and later on confirmed as RP.

3. The order of admission has attained finality.

4. RP filed IA No. 3801/ND/2023 against Bliss Equity Pvt. Ltd. (Respondent No. 2) with a prayer for possession of property of the Corporate Debtor and relevant documents. In the said application, the following prayers were made:

- "1. Allow the present Petition.*
- 2. Pass an order and direct the Respondent No.1 to peacefully handover the possession of the assets owned by the Corporate Debtor located at Property No. 13/3, First Floor, 2nd Floor, 3rd Floor with terrace rights, WEA, Karol Bagh, New Delhi Central Delhi - 110005.*
- 3. Pass an order and direct the Respondent No. 1 to provide the documents of the properties i.e. Property No, 13/3, First Floor, 2nd Floor, 3rd Floor with terrace rights, WEA, Karol Bagh, New Delhi Central Delhi - 110005.*
- 4. Pass an appropriate order against the Respondent No. 1,2 & 3 in terms of Section 69 & 70 of Insolvency and Bankruptcy Code, 2016.*
- 5. Pass such other or further order/order(s) as may be deemed fit and proper by this Hon'ble Adjudicating Authority."*

5. The said application was allowed on 10.12.2024.

6. The order dated 10.12.2024, was challenged in appeal by Bliss Equity Pvt. Ltd. bearing CA (AT) (Ins) No. 220 of 2025 which was dismissed by this court on 05.03.2025 and the said order was upheld by the Hon'ble Supreme Court in appeal on 28.04.2025.

7. The RP filed the application bearing IA No. 270 of 2025 for seeking police assistance to take possession and by breaking open the locks of the premises in question.

8. It is submitted by the Respondent No.1 that possession of 17 shops and 3rd floor terrace was taken but in the meantime, this IA has been filed by them and the appellant in the first appeal, vide IA No. 2759/ND/ 2025, made the following prayers:

“a) Implead the Applicant in the present case as a necessary and proper party;

b) Pass an interim order staying the operation of the order dated 10.12.2024 and 22.05.2025 passed by this Hon'ble Adjudicating Authority, to the extent that they seek possession of the properties sold by the Corporate Debtor to the Applicants;

c) Direct the Resolution Professional to exclude the Applicants' properties, as detailed in the attached Sale Deeds, from the Information Memorandum and the Resolution Plan;

d) Restrain the Resolution Professional, Corporate Debtor, Bliss Equity Pvt. Ltd., Ambrane India Pvt. Ltd., and Mr. Varun Chopra with the Applicants' possession and ownership of the properties, including the common passage;

e) Pass any such orders as this Hon'ble Adjudicating Authority may deem fit and proper in the interest of justice”.

9. In the second appeal, the appellant challenged the order passed in IA No. 270/ND/2025 which was allowed on 22.05.2025.

10. The second appeal came up for hearing earlier on 11.06.2025 in which this court passed the following order:

“This appeal is filed against an impugned order dated 22.05.2025 wherein directions were given to take physical possession of the property bearing property no. 13/3, 1st Floor, 2nd Floor, 3rd Floor with terrace rights, WEA, Karol Bagh, New Delhi.

2. It is the submission of the Learned Counsel for the appellant without determining the ownership and possession status of the said property, which include multiple independently sold units to various bonafide purchasers, the Resolution Professional is trying to take possession of all the property.

3. However, the Learned Counsel for the Resolution Professional submits let the owners of the Office/Shop premises may show the original title deeds to him so as to enable him to take a decision qua the status of the subject property. Let the needful be done.

4. The appellant shall cooperate with the Resolution Professional and shall not interfere in his functions.

*5. Notice be issued to the Respondent. List the appeal on **25.06.2025**”.*

11. The first appeal came up for hearing on 25.06.2025 in which the following order was passed:

*“Having regard to the request made by Learned Counsel for the Respondent No.1- RP, let this appeal may now be listed on **01.07.2025**, under the same caption”.*

12. The grievance raised in both the appeals, is similar that they are the rightful owner of the property in their possession on the basis of the sale deed, therefore, it cannot be taken control of by the RP.

13. In this regard, Mr. Vipul Ganda, appearing on behalf of the RP has made an innocuous prayer which he made on 11.06.2025 as well and recorded in paragraph no. 3 of the said order which read as under
“However, the Learned Counsel for the Resolution Professional submits let the

owners of the Office/Shop premises may show the original title deeds to him so as to enable him to take a decision qua the status of the subject property. Let the needful be done”.

14. He has submitted that if this exercise is done by both the appellants in this appeal by producing their respective original title documents to him then he would be in a position to decide as to whether the appellant in both the appeals are the owner of the property in question and if so then he will not proceed to take possession of the said property.

15. In this regard, both the Counsels for the appellant have submitted that till this exercise is undertaken by the RP, the possession of their property may not be taken by him either personally or with the assistance of the police.

16. Keeping in view of the aforesaid facts and circumstances, at this stage, both the present appeals are hereby disposed of with a direction that in case the appellants in both the appeals approaches the RP of the CD within a period of 15 days from today with all the relevant documents/ original title deeds if not already given, of the premises in their permission. Then the RP shall take a holistic view of the issue involved and decide as to whether the property belongs to the appellant or to the CD.

17. In case, the RP takes a decision that the property does not belong to the appellant then the appellant may take appropriate steps in accordance with law.

18. Till then the RP shall not either take possession of the property alleged to be owned and possessed by the appellants in both the appeals himself or through the police.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/rr