

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal(AT)(Insolvency) No. 119 of 2018

IN THE MATTER OF:

Mr. Rajendra K. Bhuta

...Appellant

Vs

**Maharashtra Housing & Area Development
Authority**

....Respondent

Present:

**For Appellant: Mr. S.N. Jha and Mr. A.K. Sinha, Senior Advocates
with Mr. Ashish Verma, Advocate.**

**For Respondent: Mr. Tushar Mehta, ASG, Mr. Arun Kathpalia,
Senior Advocate with Mr. Shardul Singh, and Mr.
Chirag M. Shroff, Advocates**

ORDER

06.04.2018 The question arises for consideration in the appeal is whether Respondent- Maharashtra Housing and Area Development Authority (hereinafter referred to as MHADA) is empowered to terminate the 'Joint Development Agreement' with the 'Corporate Debtor' and take possession of the property during moratorium period or not.

Issue notice on Respondent. Mr. Chirag M. Shroff, learned Counsel appearing on behalf of Respondent accepts notice and filed caveat. No further notice needs be issued. They will file reply within 10 days. Rejoinder, if any, be filed two weeks thereof.

Post the matter on **3rd May, 2018 at 2 P.M.**

During the pendency of the appeal, Respondent MHADA will maintain status quo with regard to land in question and will not vacate any person from the land or house/flat situated on the land nor execute any instrument with any third party. The MHADA will also not remove any moveable or immoveable property from the land in question, though, it will be open to them to prepare inventories.

So far as statement made on behalf of the Appellant before the Hon'ble High Court of Judicature at Bombay in Suit (L) No. 175 of 2018 is concerned, we are not expressing any opinion as it is for the Hon'ble High Court to decide as to what order if so required to pass in regard to the Appellant or any other person who made statement before the Hon'ble High Court.

[Justice S.J. Mukhopadhaya]
Chairperson

Akc/uk