

ITEM NO.53

COURT NO.7

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 2569/2022

PRERNA SINGH

Appellant(s)

VERSUS

COMMITTEE OF CREDITORS & ORS.

Respondent(s)

[TO BE TAKEN UP AT THE TOP OF THE BOARD]
IA No. 186385/2025 - INTERVENTION APPLICATION
IA No. 110835/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 04-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) : Ms. Madhvi Diwan, Sr. Adv.
Mr. Sudhir Naagar, AOR
Mr. Kshitij Sharda, Adv.
Mr. Bharat, Adv.
Mr. Arun Kumar Nagar, Adv.
Mr. Seerat Nissar Bhat, Adv.
Ms. Rajshree Singh, Adv.

For Respondent(s) : Mr. Navin Pahwa, Sr. Adv.
Ms. Ekta Choudhary, AOR
Ms. Priya Rathi, Adv.
Ms. Rushali Sikand, Adv.

Mr. Rajiv Shakhder, Sr. Adv.
Mr. Biswajit Dubey, Adv.

Mr. Ramakant Rai, Adv.
Mr. Vardhman Kaushik, AOR
Mr. Somesh Srivastava, Adv.
Ms. Pranati Sinha, Adv.
Mr. Navin Kumar Jain Rp, Adv.

Mr. Namit Suri, AOR
Ms. Meenakshi Kalra, AOR

Mr. Aditya Bharat Manubarwala, Adv.
Ms. Charvi Virmani, Adv.
Mrs. Akriti Aditya Manubarwala, Adv.
Mr. Gopal Singh, Adv.
Mr. Bharat Thakorlal Manubarwala, AOR

Mr. Vikas Upadhyay, AOR
Ms. Ankita Kashyap, Adv.
Mr. Ranveer Singh, Adv.
Mr. Shiva Narang, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Our order dated 28.04.2026 reads thus:-

"1. Our order dated 16.04.2026 reads thus:-

1. Paras 3, 4, 5, 6 and 7 respectively of our order dated 7th April, 2026 speaks for itself.

2. The same reads as under:-

"3. The Resolution Professional is personally present in the Court.

4. What we have been able to gather from the additional affidavit, referred to above, is that it has been undertaken by the RP that vacant possession of the premises shall be handed over to the appellant on or before 30th September, 2026. The second thing that has been stated on oath is

that the CoC has resolved to pay an amount of Rs.50,55,565/- (Rs.Fifty lakh fifty thousand five hundred and sixty five only) per month as compensatory rent for the period April, 2026 to September, 2026.

The resolution to this effect has also been approved in its 30th CoC meeting held on 07.03.2026.

5. Unfortunately for the month of April, the rent amount has not been paid. We direct the RP to ensure that the rent of the amount stipulated above for the month of April, 2026 shall be paid within a period of one week from today.

6. We make it clear that RP shall not come forward with any further excuse insofar as this payment is concerned and shall continue making this payment till September, 2026 as understood.

7. Insofar as the issue relating to recovery of the arrears is concerned, we shall hear the parties and take a final call."

3. Today when the matter was taken up for hearing, the learned counsel appearing for the appellant brought to our notice that despite stating before this Court on oath that the CoC has resolved to pay an amount of Rs.50,55,565/- (Rupees Fifty Lakh, Fifty Five Thousand, Five Hundred and Sixty Five Only) per month as compensatory rent for the period April 2026 to September 2026 and the resolution to this effect has also been approved in its 30th CoC meeting convened on 7th March, 2026, still only an amount of Rs.33,83,000/- (Rupees Thirty Three Lakh and Eighty Three Thousand Only) has been paid towards rent for the month of April, 2026.

4. It is very unfortunate that despite making Statements on oath, the RP and the CoC have resiled from their statements.

5. We are going to take a very strict view of this contumacious conduct of one and all.

6. No one can take the Court for granted. This is nothing but gross abuse of the process of law. We shall take appropriate steps in this regard in the right direction at an appropriate stage. However, today we are left with no other option but to direct the RP and the CoC respectively to handover vacant and peaceful possession of the premises within a period of one week from today. We authorize the Superintendent of Police, Hapur, the State of Uttar Pradesh, to facilitate taking over vacant possession of the premises from the RP and the CoC respectively. Once the possession is taken over, a Report in that regard shall be filed before this Court by both the Superintendent of Police as well as by the appellant.

7. It will be for the RP and CoC to take care of the embedded goods and other articles lying in the premises. It is for them to work it out. In any circumstances, the premises along with the land shall be handed over to the appellant within a period of one week from today. Any lapse on the part of the RP or the CoC or both will be dealt with strictly.

8. Post this matter for further hearing on 28th April, 2026 on top of the board.

9. Registry shall forward one copy of this order to the S.P., Hapur at the earliest."

2. Our order referred to above speaks for itself. However, there has been no further progress in line with what we have said in our order dated 16.04.2026.

3. On the contrary, one interlocutory application has come before us, filed by the CoC praying that time may be granted to handover vacant possession of

the premises upto July, 2026 and till the time the possession is not handed over, the CoC would make the necessary payment every month of Rs.50,55,565/- (Rupees Fifty Lakh Fifty Five Thousand Five Hundred Sixty Five only) as fixed.

4. It is time we put an end to this litigation and it has to come to an end today.

5. We direct the RP, CoC and the Superintendent of Police, Hapur to ensure that vacant and peaceful possession of the premises in question is handed over to the appellant before us within a period of one week from today on as is where is basis.

6. The learned counsel appearing for the appellant submitted that he will take care of whatever has been embedded in the premises.

7. Post this matter on Monday, the 04th May, 2026 to report compliance of this direction by respondent on top of the board.

8. On the next date of hearing, we want the Superintendent of Police, Hapur to personally remain present before us. If the possession on as is where is basis is not handed over to the appellant before us as directed above, we shall hold the Superintendent of Police, Hapur, personally responsible for the same.

2. The Superintendent of Police is personally present.

3. We are informed by Ms. Divan that all that was done after

the order came to be passed by this Court, referred to above, is that possession has been handed over of the outer premises. In other words, the keys of the gate on the outer premises has been handed over; however, there are still locks applied on the main building containing the plant and the machine room(s).

4. We direct the SP, who is personally present in the Court today to break open all those locks by late evening today, and handover the possession of the main building and machine room(s) to the appellant. We have made the SP understand our order in plain Hindi language so that he may not come forward tomorrow with any lame excuse.

5. The further compliance of our directions shall be reported to us by tomorrow, i.e., 05.05.2026 at 10.30 A.M.

6. Post the matter on 05.05.2026 on top of the Board.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)