

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 812 of 2026

IN THE MATTER OF:

Devendra Singh Yadav & Anr.

...Appellant(s)

Versus

Bhuvan Madan & Anr.

...Respondent(s)

Present:

For Appellant : Mr. Akshay Goel, Mr. Harsh Tandon, Advocates

For Respondents : Mr. Anoop Rawat, Mr. Vaijayant Paliwal, Mr. Sagar Dhawan, Mr. Aditya Marwah, Mr. Udhav Nanda, Ms. Kirti Gupta, Ms. Aditi Rathore, Advocates

O R D E R
(Hybrid Mode)

14.05.2026 Heard Ld. Counsel for Appellant and Ld. Counsel appearing for Respondent.

2. This Appeal has been filed against the order dated 17/03/2026 by which I.A. 584/ 2025 filed by the Appellant seeking various directions to refund the amount has been rejected.

3. Appellant is an allottee in one of the Projects of the Respondent Corporate debtor and he has been given possession of the unit and deed of sub-lease has also been registered in favour of the Appellant, in possession of the unit.

4. Grievance of the Appellant is that Resolution Professional has issued letter offering possession and demanded various amount which was not part of the allotment letter. He has referred to an amount of Rs. 4,00,000/- with respect to the common areas charges.

5. He submitted that no such amount could have been charged from the Appellant. Ld. Counsel for the Respondent submitted that the Appellant was given the offer of possession regarding all the amount which was required to be paid including the said amount and Appellant has accepted the possession and paid the amount and subsequently it was not open for the Appellant to file an Application seeking refund.

6. Ld. Counsel for Respondent submits that further Respondent has issued indemnity bond and Affidavit, which was prior to handing over the possession and it is not open for the Appellant to raise any issue pertaining to any refund of the amount.

7. We have considered submissions of the Parties and perused the records.

8. Corporate Debtor was in CIRP and the RP, who was running the CD as a going concern, has taken steps to complete the construction and offer the possession. We are of the view that after taking possession of the units and after giving the payment, it was not open for the Appellant to file subsequent Application for refund. Issue, if any, ought to have been raised at the relevant time, before taking the possession and before registration of the unit.

9. We are of the view that Adjudicating Authority did not commit any error in not entertaining the such prayers, on behalf of the Appellant.

Appeal dismissed.

**[Justice Ashok Bhushan]
Chairperson**

**[Indevar Pandey]
Member (Technical)**

Prerana/md