

NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH

CORAM:

**SHRI VINAY GOEL, HON'BLE MEMBER (JUDICIAL)
SHRI RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

PETITION No./IA No.	IA(IBC)/416/KOB/2026 in CP(IBC)/54/KOB/2022
SECTION	U/C 1(11A) SCHEDULE 1, REG. 33(2)C) IBBI R/W SEC. 60(5) IBC & RULE 11 NCLT
NAME OF PARTIES	SREENIVASAN PR (LIQUIDATOR) IN THE MATTER OF ASTEN REALTORS PRIVATE LIMITED
PETITIONERS ADVOCATE/ PROFESSIONAL	INDIALAW
RESPONDENTS ADVOCATE/ PROFESSIONAL	

16 OCTOBER 2026

O R D E R

IA(IBC)/416/KOB/2026 in CP(IBC)/54/KOB/2022

This application has been filed by the Liquidator of Asten Realtors Private Limited with the following prayers: -

- a. Grant permission to the Applicant/Liquidator, under Regulation 33(2) (c) of the IBBI (Liquidation Process) Regulations, 2016, to sell the Subject Property described in the Schedule hereto, by way of private sale, to the consortium of allottees of the Asten Aurum Woods project, namely (i) Dr. Mathew Joseph and Smt. Lizy Mathew, (ii) Sri. Chandy John Samuel and Dr. Dane Chandy, and (iii) Pinnacle Piling (India) Private Limited, for an aggregate consideration of ₹4,96,27,659/- (Rupees Four Crore Ninety-Six Lakh Twenty-Seven Thousand Six Hundred and Fifty-Nine only), on the terms and conditions approved by the Committee of Creditors under Item No. 17 of its 12th meeting held on 06.08.2026 and set out in paragraph 15 of this Application; and*
- b. Pass such other order(s) as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case.*

Ld. Counsel, Mr. Vinod P V, appears virtually along with the Applicant/Liquidator, Mr. Sreenivasan P R.

We have heard the learned Counsel for the parties and perused the records. Learned Counsel appearing for the Highest Bidder sought time to file an application for impleadment. However, we find no reason for granting such time. The Highest Bidder has

(2)

no vested right in the present proceedings, and had he been genuinely interested in pursuing the matter, he ought to have filed such an application promptly after the withdrawal of the case from the Hon'ble High Court.

Learned Counsel appearing for the Liquidator has drawn our attention to Clause 3 of the auction notice annexed at page 74 of the present Application, which expressly reserves the right of the Liquidator to cancel, modify or extend the terms of the e-auction at any time. The relevant portion of the said auction notice is reproduced below:

Note:

- 1. The Prospective Bidders shall be eligible to participate in the bidding process subject to their participation and submission of bid in the auction of assets of the corporate debtor as detailed in the Process Memorandum through an e-auction platform Baanknet (formerly eBKray) Auction Platform*
- 2. The Prospective Bidders shall submit an undertaking that they do not suffer from any ineligibility under section 29A of the Code to the extent applicable and that it found ineligible at any stage, the earnest money deposited shall be forfeited.*
- 3. The Liquidator holds the right to cancel, modify or extend the terms of this E-Auction at any time*
- 4. Interested bidders shall specify the assets they intend to bid on, from a selection of 9 movable properties and one immovable property of the Corporate Debtor*

Further, learned Counsel for the Liquidator has placed reliance on the judgment of the Hon'ble Supreme Court in *Eva Agro Feed v. Punjab National Bank (2023) ibclaw.in 98 SC*. The relevant portion of the said judgment is reproduced below:-

We may further mention that Respondent No.2, i.e. the Liquidator did not assail the order of the Tribunal before the Appellate Tribunal. One of the financial creditors i.e. Respondent No.1 had filed the appeal before the Appellate Tribunal assailing the order of the Tribunal. Appellate Tribunal by the judgment and order dated 30.11.2021 observed that appellant was the sole bidder, its bid being equal to the reserve price. Liquidator invoked Clause 3(k) of the E-Auction Process Information Document and decided to cancel the auction. There was no concluded contract till that point of time; it is only after the total amount is paid that the sale is concluded. Before the sale can be successfully concluded, Liquidator had the right to cancel the sale. Successful bidder in the auction sale does not acquire any vested right in law to enforce the auction. Therefore, the Tribunal was not justified in setting aside cancellation of auction by the Liquidator. Tribunal had further failed to notice that the terms of the auction sale notice provided absolute right to the Liquidator to accept or reject any bid or to cancel the auction without assigning any reason. While setting aside the order of the Tribunal as well as the steps taken in compliance thereto, Appellate Tribunal gave liberty to the Liquidator to initiate fresh process of auction. Pursuant thereto, Liquidator i.e. Respondent No.2 had issued a subsequent sale notice dated 24.12.2021 for E-auction sale of the subject property, the date of auction being 17.01.2022. Interestingly, in this round of auction, the reserve price was also maintained at Rs.10 crores. As we have noticed above, this Court by order dated 10.01.2022 while issuing notice had stayed the auction scheduled on 17.01.2022.

In view of Clause 3 of the auction notice, which expressly reserves the right of the Liquidator to cancel, modify or extend the terms of the e-auction, and having regard to the

principles laid down by the Hon'ble Supreme Court in *Eva Agro Feeds Private Limited v. Punjab National Bank* (2023) 18 SCC 1, particularly that a successful bidder does not acquire any vested right merely by participating in the auction process, we find no justification for granting the Highest Bidder an opportunity to be impleaded in the present Application.

Further, in the present case, the CoC has decided to refund the Earnest Money Deposit (EMD) deposited by the Highest Bidder and, in the exercise of its commercial wisdom, has also decided to pay interest thereon, notwithstanding that such interest was not payable under the terms of the auction notice. We find no reason to interfere with the said decision. Accordingly, the Liquidator is directed to send the original demand draft to the Highest Bidder at his registered address by registered post within 24 hours or, alternatively, to deliver the same by hand against proper acknowledgement, so that the process may proceed further in accordance with law.

It has been brought to our notice that the subject property was put to auction earlier. After the auction had been conducted, the homebuyers approached the Hon'ble High Court by filing a writ petition. In the meantime, the CoC passed a resolution, pursuant to which the homebuyers withdrew the said writ petition. The Liquidator has annexed the resolution passed by the CoC, which reads as follows:

*Item No. 8: To take note of the status of the assets of the Corporate Debtor
The Liquidator presented the status of the assets of the Corporate Debtor and informed the Committee that all the assets forming part of the liquidation estate have been realised, save and except the immovable property comprising the Asten Aurum Woods project.*

The position is summarised below:

Sl. No.	Asset	Mode of Sale	Consideration (₹)	Status
1.	Immovable property measuring 9.47 Ares (23.39 cents) in Sy. No. 996/3-3, Ernakulam Village – the Asten Aurum Woods project	E-auction dated June 18, 2025	4,96,27,659 (Pending)	Not realised. EMD of ₹49,00,000 received and held in a fixed deposit; balance consideration of ₹4,47,27,659 not received. Subject-matter of Agenda No. 9 below
2.	Ford Ecosport 1.5 Diesel Titanium (KL-07-CQ-5736)	E-auction dated July 17, 2025	5,56,525	Realised in full; sale certificate issued on September 10, 2025
3.	Seven two-wheelers and one four-wheeler (Nissan Sunny, KL-07-BT-9580)	Private sale	1,61,706	Realised in full; sale certificate issued on October 23, 2025
4.	Office equipment and fixtures at the 4th Floor, Compass Towers, Kochi	Private sale	6,00,000	Realised in full; sale certificate issued on July 03, 2025
5.	Construction scrap materials at the Rajagiri Campus Court project site	Private sale	2,36,000	Realised in full; sale certificate issued on June 20, 2025
	Total realised (excluding the Asten Aurum Woods property)		15,54,231	

Note 1: The Asten Viveria project does not form part of the liquidation estate. Possession of the few units comprised in that project had been handed over to the respective allottees prior to the commencement of the corporate insolvency resolution process, and by virtue of Regulation 46A of the Liquidation Regulations such assets do not form part of the liquidation estate of the Corporate Debtor. The matters arising in relation to that project are placed before the Committee under Agenda No. 10 below.

Note 2: The Project Rajagiri Campus Court and Asten Nautica projects are governed by the resolution plans approved by the Hon'ble Tribunal on August 14, 2024 and do not form part of the liquidation estate.

The Committee took note of the same.

Item No. 9: To discuss and deliberate upon the Asten Aurum Woods property - the concluded e-auction, the interim order of the Hon'ble High Court of Kerala in W.P.(C) No. 26092 of 2025, the application of the allottees in IA(IBC)/123/KOB/2026, and whether the Committee may resolve to reject the highest bid and to conduct a fresh auction or to permit a private sale

9.1 The asset

The liquidator informed the Committee that the Corporate Debtor holds an immovable property measuring 9.47 Ares (23.39 cents) situated in Sy. No. 996/3-3, Panampilly Nagar, Ernakulam Village, Kanayannur Taluk, Ernakulam District, Kerala 682 032, comprising the Asten Aurum Woods residential development. The Cochin Municipal Corporation had approved a B + G + 13 + Terrace structure with a total built-up area of 4,848.06 square metres, of which, as on the liquidation commencement date, only the ground

floor and first floor RCC framed structure, covering approximately 861.52 square metres, had been completed. This is the only asset of the Corporate Debtor forming part of the liquidation estate that remains unrealised.

9.2 Chronology

Date	Event
April 24, 2025	The Process Memorandum for the sale of the assets of the Corporate Debtor was approved at the Fourth SCC meeting
April 30, 2025	Auction notice published in Business Line (English) and Mathrubhumi (Malayalam) in compliance with Regulation 12 of the Liquidation Regulations
May 19, 2025	First e-auction conducted through the Baanknet portal at a reserve price of ₹5,22,39,641 (EMD ₹52,23,964). No bid was received and the auction failed
May 29, 2025 and June 01, 2025	Fresh auction notice published in Business Line and Mathrubhumi, the reserve price having been reduced to ₹4,96,27,659 (EMD ₹49,00,000) as permitted under clause 1(4A) of Schedule I; a corrigendum was published on June 01, 2025 correcting the area specification
June 18, 2025	Second e-auction conducted. Mr. Muhammed Aslam emerged as the highest bidder at ₹4,96,27,659, being an amount equal to the reduced reserve price
June 19, 2025	The Liquidator completed the due diligence on the bid application and found it complete and compliant. The EMD of ₹49,00,000 was received and credited to the liquidation account
June 20, 2025	W.P.(C) No. 26092 of 2025 filed before the Hon'ble High Court of Kerala by Sri. Chandy John Samuel and Dr. Dane Chandy, allottees of the project, challenging the validity and applicability of Regulation 46A of the Liquidation Regulations and seeking to quash the auction notice dated May 29, 2025 and all further proceedings in pursuance thereof

Date	Event
June 23, 2025	The Sixth SCC meeting approved Mr. Muhammed Aslam as the successful bidder
July 10, 2025	Letter of Intent issued to Mr. Muhammed Aslam. The balance sale consideration of ₹4,47,27,659 was payable on or before August 07, 2025
July 18, 2025	The Hon'ble High Court of Kerala granted an interim order staying all further auction sale proceedings – Particularly the order dated 18.07.2025 is as follows: "3. There will be an interim order staying all further proceedings pursuant to Exct.P4 for a period of one month. Post on 19.08.2025." The exhibit P4 pertains to "True Copy of the Auction Sale Notice Dated 29.05.2025".
August 07, 2025	The date for payment of the balance sale consideration expired. The balance has not been received. The EMD has, in compliance with the interim order, been placed in a fixed deposit held in the name of the liquidation account of the Corporate Debtor and accrues interest
January 06, 2026	The Liquidator received a proposal from Dr. Mathew Joseph and Smt. Lizy Mathew, allottees of the project, expressing willingness to pool funds on a pro-rata basis, collectively to acquire the property at ₹4,96,27,659 – an amount matching the bid of the highest bidder – and to complete the construction themselves
January 21, 2026	The proposal was deliberated at the Tenth SCC meeting, which resolved that the allottees be permitted to file an appropriate application before the Hon'ble Tribunal seeking directions for a private sale
On or about January 2026	IA(IBC)/123/KOB/2026 filed by the allottees under Section 60(5) of the Code read with Regulation 33(2) of the Liquidation Regulations and Rule 11 of the NCLT Rules, 2016, seeking permission for the private sale of the property in their favour
March 24, 2026	The Hon'ble Tribunal directed the Liquidator to file a reply affidavit after due consultation with the Committee
June 05, 2026	The Hon'ble High Court of Kerala extended the interim order until further orders and posted the writ petition to August 04, 2026
June 22, 2026	IA(IBC)/286/KOB/2026 allowed, impleading Mr. Muhammed Aslam as the third respondent in IA(IBC)/123/KOB/2026
July 27, 2026	The third respondent, despite service, did not appear and was proceeded ex parte. The application was adjourned at the request of the applicants, their senior counsel being unavailable, to July 31, 2026

9.3 The position under the amended statutory framework

The Liquidator informed the Committee that the statutory position has since undergone a material change. Under the framework now obtaining, the Committee of Creditors, and no longer the Stakeholders' Consultation Committee, is at liberty to consider the rejection of a bid already declared successful, notwithstanding that a bid has been received and a successful bidder approved. The Liquidator read out, for the benefit of the members, clause 1(11A) of Schedule I to

the Liquidation Regulations as amended with effect from June 02, 2026, which was also displayed upon the screen, in the following terms:

Schedule I-Mode of Sale

"11A. Where the liquidator, with the approval of the committee with voting share of sixty-six per cent., rejects the highest bid in an auction process, he shall intimate the reasons for such rejection to the highest bidder and mention it in the next progress report."

The Liquidator explained that the matter may accordingly be deliberated upon and, if thought fit, placed for voting; that if the resolution is carried by a voting share exceeding sixty-six per cent, instructions would be issued to the legal counsel to inform the Hon'ble National Company Law Tribunal, Kochi Bench of the decision upon the next date of hearing, and that the decision would in any event be clearly recorded in the subsequent progress report of the Liquidator, as required by the said clause.

Mr. Raunak Bhalotia, Authorised Representative of Piramal, sought confirmation whether the Committee is now at liberty to cancel the auction which has already concluded, and whether such a course would not be in violation of the Code. The Liquidator confirmed that the Committee is so empowered with effect from June 2026, the law having been suitably amended in that behalf, and that such a course would not constitute a violation of the Code provided that the approval of the Committee of Creditors is obtained by a voting share of not less than sixty-six per cent.

As regards the private sale, the Liquidator informed the Committee that the matter is presently before the Hon'ble National Company Law Tribunal, Kochi Bench in IA(IBC)/123/KOB/2026, and that in the event that the Hon'ble Bench decides in favour of the private sale, the Liquidator would be at liberty to proceed accordingly.

9.4 The status of the conditions stipulated by the Committee

Mr. Raunak Bhalotia, Authorised Representative of Piramal, submitted that Piramal would wish to deliberate upon the matter internally before arriving at a decision, and requested that the item be placed upon the voting sheet. The Liquidator acceded to the request and confirmed that the item would be placed for voting.

Mr. Raunak Bhalotia further submitted that, the allottees/homebuyers of Aurum Woods being present at the Meeting, he wished to ascertain the status of the two conditions agreed at the previous meeting, namely the formation of the consortium and the withdrawal of the writ petition pending before the Hon'ble High Court of Kerala, these being material to the decision of Piramal whether to permit the private sale; and that if there were progress upon those aspects, it would assist Piramal in arriving at its decision, whereas if there were none, Piramal would require to deliberate internally upon the further course. The Liquidator thereupon invited the views of the homebuyers, observing that the decision to be taken by the Committee in the matter would have a bearing upon the course they propose to adopt.

Dr. Mathew Joseph submitted that the allottees had agreed that they would come as a group/consortium and purchase the property at the value earlier indicated i.e., at ₹4,96,27,659 matching the highest bid in the second e-auction dated June 12, 2025, which had been approved by the Stakeholders' Consultation Committee; and that, as regards the withdrawal of the writ petition, the petition having been filed by Sri. Chandy John Samuel, he would leave the matter to him, his own understanding being that there would be no difficulty in withdrawing the petition once the matter is settled, and that the settlement would require to precede the withdrawal.

Sri. Chandy John Samuel submitted that he has already given his written agreement to withdraw the writ petition once there is a clear understanding that the homebuyers may purchase the Project Aurum Woods collectively as agreed amongst them; that there have been several deliberations before the Hon'ble High Court and the Hon'ble NCLT; and that there is no change from the position as understood at the previous meeting.

Mr. Raunak Bhalotia sought to know whether any application or writing had been submitted to the Liquidator evidencing the formation of the consortium, signed by the homebuyers of Aurum Woods, recording their interest in acquiring the project Aurum Woods by way of private sale, and stated that such a document would be a key requirement, Piramal requiring to be satisfied that all the homebuyers are of one mind in the matter. Sri. Chandy John Samuel stated that three of the Homebuyers had come together to give their approval to proceed, that instructions had been given to their associate to file the same, and that he would cause the document to be furnished to Piramal through the Liquidator on the same day or the following day. He further stated that the allottees/homebuyers had already expressed and committed their willingness to collectively purchase the Aurum Woods Project during the earlier meetings of the SCC, and that the same has been duly recorded in the minutes of the respective SCC meetings.

The Liquidator confirmed that the said position is borne out by the record, and that at one of the earlier meetings of the Stakeholders' Consultation Committee the Homebuyers had submitted, and it had gone on record and the same is attached as Annexure M3 (Letter submitted by the Homebuyers of Asten Aurum Woods to the Liquidator), that in the event that the Hon'ble National Company Law Tribunal permits the private sale, they would come forward as a consortium. The Liquidator undertook to record the reference to the said meeting in the minutes and confirmed that the document furnished by the allottees would be circulated to Piramal in advance of the voting.

The Liquidator also observed, in the context of the composition of the proposed consortium, that although the question whether Ideal Habitats (Coimbatore) Private Limited forms part of the Committee of Creditors remains to be determined, it is, to the best of his understanding, an undisputed fact upon the records that the said creditor is also a Homebuyer in the project Aurum Woods. The deliberations of

the members upon that observation, and the response of the Liquidator thereto, are recorded under Item No. 2 above and are not repeated here. The homebuyers were requested to take up the said question with their legal counsel, and the Liquidator undertook to furnish them with the records available with him for that purpose.

9.4 Conclusion

The Committee took note of the foregoing and deliberated upon the matter. It was resolved that the question of the rejection of the highest bid under clause 1(11A) of Schedule I to the Liquidation Regulations, and the authorisation to the Liquidator to place the decision of the Committee before the Hon'ble National Company Law Tribunal, Kochi Bench in IA(IBC)/123/KOB/2026, be placed before the Committee for voting, and the same is accordingly placed under Item No. 17 below.
Item No. 17: To approve the rejection of the highest bid received in the e-auction of the Asten Aurum Woods property under Clause 1 (11A) of Schedule I to the Liquidation Regulations, and to authorise the Liquidator to place the decision of the Committee before the Hon'ble National Company Law Tribunal, Kochi Bench in IA(IBC)/123/KOB/2026

Based upon the deliberations recorded under Item No. 9 above, and with the permission of the Chairperson, the Committee was requested to consider and approve the rejection of the highest bid by passing the following resolution:

"RESOLVED THAT pursuant to clause 1(11A) of Schedule I to the IBBI (Liquidation Process) Regulations, 2016, as amended with effect from June 02, 2026, the approval of the Committee of Creditors be and is hereby accorded to the rejection by the Liquidator of the highest bid of 4,96,27,659 (Rupees Four Crore Ninety-Six Lakh Twenty-Seven Thousand Six Hundred and Fifty-Nine only) received from Mr. Muhammed Aslam in the e-auction of the Asten Aurum Woods property conducted on June 18, 2025, for the following reasons:

(i) that the sale has not been completed within the meaning of clause 1(13) of Schedule I, the balance sale consideration of ₹4,47,27,659 (Rupees Four Crore Forty-Seven Lakh Twenty-Seven Thousand Six Hundred and Fifty-Nine only) not having been received by the Liquidator, and the said highest bidder having accordingly acquired no vested right to the confirmation of the sale in his favour;

(ii) that the non-payment aforesaid is referable to the interim order dated July 18, 2025 passed by the Hon'ble High Court of Kerala in W.P.(C) No. 26092 of 2025, staying all further proceedings pursuant to the Auction Sale Notice dated May 29, 2025, which order was extended until further orders vide Order dated June 05, 2026 and continues to subsist, by reason whereof the said highest bidder stood disabled from paying and the Liquidator from receiving the balance sale consideration and from completing the sale, and the e-auction is thereby rendered incapable of completion; and

(iv) that the allottees of the Asten Aurum Woods project, being genuine homebuyers who were allotted specified units in the project, who have paid substantial consideration over a period of more than a decade,

whose claims stand admitted in this liquidation process as financial creditors in a class, and who seek not any assured return but the completion of the construction and the possession of their own homes, have suffered prolonged anguish by reason of the non-completion of the project; and that the Hon'ble Supreme Court has held, in Mansi Brar Fernandes v. Shubha Sharma & Anr., Civil Appeal No. 3826 of 2020, 2025 INSC 1110, decided on September 12, 2025, that the right to secure timely possession of a home is a salient feature of the fundamental right to shelter envisioned under Article 21 of the Constitution of India, the said allottees having, in vindication of that right, approached the Hon'ble High Court of Kerala in W.P.(C) No. 26092 of 2025 and the Hon'ble National Company Law Tribunal, Kochi Bench in LA(IBC)/123/KOB/2026, and there being no lower realisation to the liquidation estate by a sale in their favour, the Committee considers that the object of the Code and the interests of the stakeholders are better served by the rejection of the said bid and by a sale of the property to the said homebuyers;

RESOLVED FURTHER THAT the Liquidator be and is hereby directed to intimate the reasons

aforesaid to the said highest bidder, as required by clause 1(11A) of Schedule I of the IBBI(Liquidation Regulations), 2016; and that, no irregularity, collusion or fraud being imputed to the said bidder or to the conduct of the said e-auction, the earnest money deposit of 49,00,000 (Rupees Forty-Nine Lakh only) shall not be forfeited but shall be refunded to him in full, together with the interest accrued thereon in the fixed deposit held in the name of the liquidation account, in accordance with such directions as the Hon'ble National Company Law Tribunal, Kochi Bench may issue;

RESOLVED FURTHER THAT for the reasons aforesaid, and the consideration offered by the allottees being not lower than the highest bid received in the said e-auction, the Committee of Creditors hereby accords its approval, by a voting share of not less than sixty-six per cent, to the sale of the Asten Aurum Woods property by way of private sale in favour of the allottees of the said project under clause (c) of sub-regulation (2) of Regulation 33 of the IBBI (Liquidation Process) Regulations, 2016, as substituted with effect from June 02, 2026, at an aggregate consideration of not less than 24,96,27,659 (Rupees Four Crore Ninety-Six Lakh Twenty-Seven Thousand Six Hundred and Fifty-Nine only), subject to the conditions that the allottees shall come forward collectively as a consortium and furnish to the Liquidator and to the Hon'ble National Company Law Tribunal, Kochi in LA(IBC)/123/KOB/2026 a writing executed by all of them recording its formation and the allottee-wise apportionment of the consideration; that the entire consideration shall be paid upfront into the liquidation account or secured by an irrevocable and unconditional bank guarantee within such time as the Liquidator may stipulate; that all stamp duty, registration charges and incidental costs shall be borne by the allottees and no sum whatsoever out of the liquidation estate; and that, the

proviso to the said sub-regulation (2) of Regulation 33 prohibiting a private sale to a related party of the Corporate Debtor, to a related party of the Liquidator or to any professional appointed by him, no person falling within that prohibition shall form part of the consortium or be a purchaser, the composition of the consortium being in any event subject to such directions as the Hon'ble National Company Law Tribunal, Kochi Bench may issue in LA(IBC)/123/KOB/2026;

RESOLVED FURTHER THAT the Liquidator be and is hereby authorised to place the decisions hereby recorded before the Hon'ble National Company Law Tribunal, Kochi Bench in LA(IBC)/123/KOB/2026, to instruct the legal counsel to inform the Hon'ble Tribunal of the same on the next date of hearing, and to file such affidavit, submission or application as may be required, including an application for permission for the said private sale; and

RESOLVED FURTHER THAT the approval hereby accorded to the private sale shall be given effect to only upon the withdrawal, vacation or modification of the interim order dated July 18, 2025 of the Hon'ble High Court of Kerala in W.P.(C) No. 26092 of 2025 to the extent necessary to permit such private sale, and upon the permission of the Hon'ble National Company Law Tribunal, Kochi Bench being granted therefor, and the Liquidator be and is hereby authorised to move the appropriate applications before the said fora and to do all such acts and things as may be necessary or incidental thereto."

The above resolution was put up for voting.

We have also taken note of the amendments made to the IBBI (Liquidation Process) Regulations, 2016, with effect from 02.06.2026. Clause 1(11A) of Schedule I, as amended, provides that where the Liquidator, with the approval of the Committee of Creditors by a voting share of not less than 66%, rejects the highest bid in an auction process, he shall communicate the reasons for such rejection to the highest bidder and record the same in the next progress report. Further, Regulation 33(2), as substituted, permits the Liquidator to undertake a private sale only with the prior approval of the Committee by a voting share of not less than 66%, subject to the conditions prescribed therein. Similarly, Regulation 8(5)(a) requires prior approval of the Committee by a voting share of not less than 66% in matters relating to sale under Regulation 32, including the manner of sale, reserve price and auction process. Thus, the amended regulatory framework expressly recognises the role of the Committee of Creditors in approving decisions concerning the sale of assets during liquidation, subject to compliance with the applicable statutory requirements. Though the amendment to the IBBI (Liquidation Process) Regulations, 2016, may not have retrospective effect, Clause 3 of the Auction

Notice expressly empowers the Liquidator to cancel the auction at any stage, even without assigning any reason. Therefore, in the present case, irrespective of whether the matter is considered in the pre-amendment or post-amendment era, the highest bidder cannot claim any vested or enforceable right merely by virtue of being declared the highest bidder. The Committee of Creditors is competent to take a decision, in the exercise of its commercial wisdom, as to whether to proceed with a sale by auction or by private sale. In the absence of any allegation or material establishing fraud or misrepresentation, this Adjudicating Authority is not inclined to interfere with such a decision.

The persons with whom the CoC has negotiated are none other than the homebuyers of the same project.

Having regard to the spirit and objectives of the IBC process and the various judgments of the Hon'ble Superior Courts, we find no infirmity in the decision of the CoC to sell the subject property by way of a private sale to the association of homebuyers.

While proceeding with the proposed sale, the CoC would comply with all the ensure compliance with all applicable procedures prescribed under the IBC and the regulations framed thereunder.

Accordingly, this application stands **disposed of**.

IA(IBC)/123/KOB/2026 in CP(IBC)/54/KOB/2022

This application has been filed with the following prayers: -

- 1. To direct the Liquidator to conduct the sale of the Project Land in favor of the Applicants via private sale under Regulation 33(2) of the IBBI (Liquidation Process) Regulations, 2016 in favour of the Homebuyers of Aurum wood Project, as discussed and concurred upon by the Stakeholders' Consultation Committee in the 10th SCC Meeting dated 21.01.2026 (Agenda Item No. 7) within a defined period as deemed fit by this Hon'ble Tribunal and land located in Ernakulam at Survey No. 996/3 of Ernakulam Village, covered under Document No. 1201/2009 of the Ernakulam Sub Registry Office i.e., land admeasuring 9.471 Ares (equivalent to 23.402 Cents) situated in the said survey number is transferred to the homebuyers of the "Project Auruwoods" on payment of sale consideration which matches the sale price offered by the present bidder i.e., an amount of INR 4.90 Crores.*
- 2. Consequently, declare that no third party has any interest or encumbrance in the Project "Aurum woods" and the Land located in Ernakulam at Survey No. 996/3 of Ernakulam Village, covered under Document No. 1201/2009 of the Ernakulam Sub Registry Office, admeasuring 9.471 Ares (equivalent to 23.402 Cents) upon completion of the Private Sale as aforesaid.*
- 3. Consequently, declare that any amounts collected from any third party for any bids of the Project Land be returned upon completion of the Private Sale.*
- 4. Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*

Ld. Senior Counsel, Mr. T K Bhaskar, appears virtually on behalf of the applicants. Ld. Counsel, Mr. Vinod P V, appears on behalf of the Liquidator through virtual mode. Liquidator, Mr. Sreenivasan P R, is present in person through virtual mode. Ld. Counsel, Mr. Basil Mechery, appears physically for R3.

In view of the Orders passed in IA(IBC)/416/KOB/2026 in CP(IBC)/54/KOB/2022, this application stands **disposed of**.

Sd/-
RAVICHANDRAN RAMASAMY
MEMBER (TECHNICAL)

Sd/-
VINAY GOEL
MEMBER (JUDICIAL)