

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 446 of 2022**

**In the matter of:**

**Sandeep Kumar Jain** **....Appellant**  
**Vs.**  
**Anil Tayal Resolution Professional of** **....Respondent**  
**AVJ Developers (India) Pvt. Ltd.**

**WITH**  
**Company Appeal (AT) (Insolvency) No. 451 of 2022**

**In the matter of:**

**Ashwani Kumar Sharma** **....Appellant**  
**Vs.**  
**Anil Tayal Resolution Professional of** **....Respondent**  
**AVJ Developers (India) Pvt. Ltd.**

**Present**

**For Appellant:** **Mr. Harshit Aggarwal, Advocates.**  
**For Respondent:** **Mr. Abhishek Anand and Mr. Karan Kohli, Advocates  
for RP.**

**ORDER**  
**(Virtual Mode)**

**27.04.2022:** Heard Learned Counsel for the Appellant and Sri Abhishek Anand, Learned Counsel for RP. This Appeal has been filed against the Order dated 28.02.2022 passed by the Learned Adjudicating Authority (National Company Law Tribunal, New Delhi, Special Bench) in New Ivn.P – 10/2022 & New Ivn.P – 11/2022.

2. The above two Applications were filed for intervention by the two Homebuyers. The Adjudicating Authority has observed that class of Homebuyers are already represented in the matter. The Applicant has already filed the Application questioning rejection of the claim which is still pending before the Adjudicating Authority. The Intervention Applications were rejected.

3. Aggrieved by the said Order, the Appellant has come up in this Appeal. Learned Counsel for the Appellant submits that even the authorised representation of the Homebuyer is not being provided for the relevant facts and information and hence Appellant had to file an Intervention Application.

4. We are of the view that Appellant as a Homebuyer has to go with class of Homebuyers and decision taken by the class of Homebuyers is binding. The authorised representative in the event of any difficulty, it is always open for him to approach the Resolution Professional and Adjudicating Authority, if so required.

5. We are of the view that Adjudicating Authority did not commit any error in rejecting the Intervention Application of the Appellant. There is no merit in the Appeal. The Appeal is dismissed.

6. However, looking to the facts of the present case we delete the cost imposed by the Impugned Order on the Appellants.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Ms. Shreesha Merla]**  
**Member (Technical)**

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