

**IN THE COURT OF ADJUDICATING OFFICER,
REAL ESTATE REGULATORY AUTHORITY(RERA), BIHAR, PATNA**

**RERA/CC/560/2019
RERA/AO/140/2019**

Smt. Anita Singh, w/o Sri Alok Kumar,
r/o 202, Manti Palace, Opp: Paras nath
Garden, Ram Nagari More, Ashiyana
Nagar, Bailey Road, District-Patna, PIN- ... Complainant
800025.

Versus

1. M/s Soho Infrastructure Pvt. Ltd.,
204, Debut Mansion Apartment,
Pandooi House, Tarkeshwar Path,
BoringRoad, Patna-800001.
2. Sri Awadesh Kumar Singh,
s/o Mr. Hareshwar Singh,
Authorised Representative, M/s
Soho Infrastructure Pvt. Ltd., 401,
Sita niketan, Saraswati Vihar
Colony, Bajrangpuri, Town & ... Respondents
District-Patna PIN-800007.

Present:

**Sri Ved Prakash
Adjudicating Officer**

Appearance:

- For Complainant - In Person
For Respondents - Ms. Sweta, Advocate

ORDER

12-02-2020

On 08-11-2019 a petition has been filed on behalf of the Respondents that since Corporate Insolvency Resolution Process against Respondents has been started by Hon'ble Adjudicating Authority, Principal Bench, New Delhi, hence, enquiry of this case may be kept in abeyance till completion of process against them.

2. On other hand, the complainant by filing rejoinder has submitted that Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the "Act, 2016) has an overriding effect on any other law, so this Court has authority to protect and secure the interest of the allottees including the complainant, hence, the enquiry may be done and the Respondents may be directed to provide delivery of possession of flat no.102 in Block-A of the Respondents project "SOHO NIRMALA".

12-02-2020
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3. It appears that the Respondent Company has gone in Corporate Insolvency Resolution Process as per order dated 30-09-2019 passed by the Hon'ble Adjudicating Authority, National Company Law Tribunal (NCLT) Principal Bench, New Delhi through Case No.C.P.(IB) No.415(PB)/2019 - M/s Unimax International Vs. M/s Soho Infrastructure Pvt. Ltd. It further appears that in above order the Hon'ble Court has passed a Moratorium u/s 14 of the Insolvency and Bankruptcy Act, 2016 and any proceeding against the Respondents has been suspended till the date of Corporate Insolvency Resolution Process. Hence, in view of the above facts and circumstances, in the interest of justice, till the Insolvency Resolution Process is going on, in NCLT, no order/direction is required to be passed at present. Hence, the present case is kept in abeyance till finalisation of decision of the NCLT Principal Bench, New Delhi.

4. Therefore, in light of the above observation, the complainant, if advised, may approach to the concerned Hon'ble Court for redressal of her grievances, but at present, no relief can be granted to the complainant by this Court till final conclusion of the said proceeding.

12-02-2020
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Sd/-
(Ved Prakash)
Adjudicating Officer
12-02-2020