

RESOLVING THE IRRESOLVABLE

Success Stories of InCorp Restructuring Services LLP

InCorp Restructuring Services LLP

An IBBI-registered Insolvency Professional Entity (IBBI/IPE/0129)

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InCorp Restructuring Services (IRS) LLP is part of InCorp India, the Indian arm of the global InCorp Group. As an IBBI-registered Insolvency Professional Entity, we operate across India with a strong professional network. We are recognized as a leading player in the restructuring and resolution of stressed assets, backed by a team of over 200 professionals, including Chartered Accountants, Company Secretaries, Cost Accountants, Lawyers, MBAs, Valuers, and subject matter experts.

IRS LLP is also a trusted advisor to banks, financial institutions, homebuyers, and corporates. With deep experience, multidisciplinary capabilities, and a focused approach, we offer end-to-end solutions for the turnaround of distressed assets restoring business value, improving performance, and protecting stakeholders' interests.

The wide range of services offered by IRS LLP includes but not limited to the following:

1. Support services during CIRP and liquidation process
2. Distressed Asset Sale Advisory
3. Restructuring and Turnaround Services
4. Process Advisory Services
5. Homebuyers Advisory Services
6. Fund Raising

“Resolving the Irresolvable: Success Stories of InCorp Restructuring Services LLP” presents a curated compilation of milestone cases successfully resolved by IRS LLP over the last four years. Each chapter captures a unique journey of turning around distressed assets narrating real challenges, critical decisions, and the collaborative efforts behind achieving viable resolutions under the Insolvency and Bankruptcy Code, 2016.

The publication reflects the depth and diversity of IRS LLP's work, spanning real estate, infrastructure, and manufacturing sectors. Through these stories, readers will gain insight into how IRS LLP navigated complex legal, financial, and operational hurdles often in highly sensitive, multi-stakeholder environments. From stalled housing projects with thousands of homebuyers to large debt-laden corporate entities, each case showcases our structured, solution-oriented approach.

More than just a record of achievements, this publication serves as a guide for professionals, policymakers, and stakeholders involved in insolvency resolution. It highlights not just what was resolved, but how it was resolved emphasizing strategic thinking, stakeholder alignment, and legal craftsmanship.

At its core, Resolving the Irresolvable reflects IRS LLP's unwavering commitment to preserving value, achieving timely resolutions, and ensuring inclusive outcomes reinforcing our belief that every crisis carries the potential for revival and renewal.

Abbreviation	Full Form
AR	Authorized Representative
CBI	Central Bureau of Investigation
CD	Corporate Debtor
CIRP	Corporate Insolvency Resolution Process
CoC	Committee of Creditors
Cr	Crore
ED	Enforcement Directorate
EMI	Equated Monthly Installment
EOI	Expression of Interest
FSI	Floor Space Index
GoM	Government of Maharashtra
IBBI	Insolvency and Bankruptcy Board of India
IBC	Insolvency and Bankruptcy Code, 2016
IP	Insolvency Professional
IPE	Insolvency Professional Entity
INR	Indian Rupees
IRP	Interim Resolution Professional
JD	Joint Development
LLP	Limited Liability Partnership
MCGM	Municipal Corporation of Greater Mumbai
MHADA	Maharashtra Housing and Area Development Authority
MSME	Micro, Small, and Medium Enterprises
NBFC	Non-Banking Financial Companies
NCD	Non-Convertible Debenture
NCLT	National Company Law Tribunal
NCLAT	National Company Law Appellate Tribunal
NPA	Non-Performing Asset
PRA	Prospective Resolution Applicant
RP	Resolution Professional
RERA	Real Estate (Regulation and Development) Act, 2016
SRA	Slum Rehabilitation Authority

Table of Contents

Ariisto Developers Private Limited	5
Ashiana Landcraft Realty Private Limited	7
Darshan Developers Private Limited	9
Manpreet Estates LLP	12
Metrik Infraprojects Private Limited	14
Nirmal Lifestyle Realty Private Limited	16
Ornate Spaces Private Limited	18
Radius Estates and Developers Private Limited	20
Rite Bultec Private Limited	22
SN Engineering Services Pvt. Ltd	24
Swapnil Promoters and Developers Pvt. Ltd	26

Name of the CD	Ariisto Developers Private Limited
Location of the Project	Mulund, Mumbai
Business Activity of CD	Real Estate Development
Project Details	Luxury residential and commercial project, including a 7.5 million sq. ft. mixed-use project in Mulund.
CIRP Commencement date	November 20, 2018
CIRP Duration	~10 months
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

The company's decline stemmed from excessive debt, stalled project, and an overdependence on pre-sales revenue. The location designated for the project's development was classified as a forest area by the government, prohibiting construction for over five years. Several marquee developments faced delays due to regulatory hurdles, cost overruns, and financial mismanagement, leading to a severe liquidity crisis. Its reliance on unsustainable subvention schemes where EMIs were promised on behalf of homebuyers collapsed when payments defaulted, triggering disputes and financial distress. The inability to refinance loans or secure fresh capital further exacerbated the situation, leaving multiple projects, including major developments in Mumbai, in limbo. With admitted claims totaling INR 2,457 Cr. from banks, NBFCs, bondholders, and homebuyers, an urgent resolution was critical to avert liquidation.

Challenges encountered by the RP

- **Regulatory and Execution Challenges:** Concerns over regulatory compliance, escalating costs, and execution feasibility in under-construction projects.
- **Legal Complexities:** Disputes between major two secured financial creditors led to a delay in decision making due to uncertainties on outcome of the litigations.
- **Operational Continuity:** Ensuring day-to-day operations remained functional during insolvency proceedings.
- **Requirement for a Strong Developer:** The large-scale project, spanning approximately 33 acres, required a developer with substantial financial strength, technical expertise, and execution capabilities to effectively manage and complete the development.
- **Diverse Booking Rates Among Homebuyers:** Homebuyers had booked units at different rates, leading to variations in pricing across the project. This required careful resolution to ensure fairness and consistency in the implementation process.
- **Burden of Mortgage and Guarantee Structure:** The CD was overburdened due to a complex structure of mortgages, corporate guarantees, and co-obligor transactions tied to the debt of group entities.

Strategies to achieve the resolution under the IBC

- **Successful Resolution Applicant:** Prestige Estates Projects Ltd. emerged as the winning bidder.
- **Regulatory Approval:** The resolution plan was approved by the CoC and NCLT in March 2021.
- **Upfront Consideration:** RP's efforts to maximize recovery for the lender transformed the initial offer from one of the PRA, which proposed a refundable deposit of INR 200 Cr., into an approved plan securing an upfront, non-refundable payment of INR 370 Cr. to the lenders.
- **Project Development Commitment:** Prestige committed to developing a 7.5 million sq. ft. mixed-use project in Mulund, Mumbai, integrating residential and commercial spaces.
- **Debt Resolution:** Successfully resolved a total debt of INR 3,046 Cr. maximizing creditor recovery.
- **Homebuyer Protection:** Ensured safeguards for homebuyers while enabling project completion.
- **Legal Validation:** NCLAT upheld the resolution, reinforcing commercial wisdom, homebuyer protection, and IBC's focus on resolution over liquidation.

Name of the CD	Ashiana Landcraft Realty Private Limited
Location of the Project	Gurugram, Haryana
Business Activity of CD	Real Estate Development
Project Details	The Center Court - Premium sports-themed residential complex
CIRP Commencement date	January 11, 2022
CIRP Duration	~ 7 months (212 days at the CoC level)
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

Ashiana Landcraft's financial distress stemmed from its reliance on NCDs and an unsustainable funding structure. While NCDs initially provided liquidity, project delays led to stalled construction, causing homebuyers to halt payments and creating a cash flow crunch. Simultaneously, NCD holders expected regular interest payouts, which became unfeasible. Legal disputes arose when debenture holders rejected a settlement involving unsold flats instead of cash. The insolvency process played a crucial role in reviving the project and protecting stakeholders.

Challenges encountered by the RP

- **Conflicts Between Stakeholders:** The RP had to navigate conflicting priorities, as homebuyers were focused on timely project completion, while institutional creditors aimed for maximum financial recovery.
- **NCD Holders' Classification Dispute:** The NCD holders, represented by IDBI Trusteeship Services, demanded a separate voting class in the CoC, leading to prolonged litigation at the NCLT.
- **Debenture Holders' Grievances:** Investors under Piramal's Portfolio Management Services scheme alleged that their concerns were not being adequately represented during the resolution process.
- **Legal Objections and Procedural Delays:** Multiple stakeholders filed legal objections, resulting in procedural delays that required the RP to exercise strategic coordination to keep the CIRP on track.
- **Land Title Transfer Issues:** The development rights were originally held by Vatika Limited, raising legal complications around the transfer of land titles to the resolution applicant.
- **Disputed Claims of Homebuyer Status:** The RP faced challenges in classifying various investors who claimed to be homebuyers, despite lacking legal documentation to support their claims.
- **Pre-CIRP Investment Schemes:** The CD had floated schemes such as Buy Back Arrangements and EOI in flats, leading unsecured financial creditors to claim homebuyer status, resulting in litigation and classification challenges.

Strategies to achieve the resolution under the IBC

- **Maximized Recovery:** His strategic valuation approach secured a 2.5x recovery over liquidation value.
- **Successful Resolution Applicant:** IV County Pvt. Ltd. was selected with 78.56% CoC approval.
- **Homebuyer & Creditor Protection:** The resolution plan ensured project completion for 300+ homebuyers and a structured settlement for creditors.
- **Regulatory Coordination:** Effectively addressed RERA and land transfer challenges, enabling smooth implementation, including coordination with Department of Town and Country Planning, Haryana and Chandigarh.

Name of the CD	<p>Darshan Developers Private Limited along with other 10 consolidated corporate debtors namely</p> <ul style="list-style-type: none"> • Immediate Real Estate Private Limited • Manpreet Developers Private Limited • Wamika Real Estate Private Limited • Prithvi Residency Private Limited • Tenacity Real Estate Private Limited • Ghardwar Real Estate Private Limited • Fulgent Real Estate Private Limited • Suvarat Real Estate Developers Private Limited • Azinova Constructions Private Limited • Vyomakara Real Estate Private Limited
Location of the Project	Juhu Gully, Mumbai, Maharashtra
Business Activity of CD	Real Estate Development
Project Details	One of Mumbai's largest SRA schemes – approx. 87,778.36 sq. mt. of land across multiple CTS plots, aimed at rehabilitating 6,000+ slum dwellers.
CIRP Commencement date	Consolidation approved on April 10, 2023 (individual CIRPs admitted between July 2021 – March 2023)
CIRP Duration	4 years
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	InCorp Restructuring Services LLP

Reason(s) for stress

Darshan Developers Pvt. Ltd. and its ten group entities were engaged in a massive SRA redevelopment project in Juhu Gully. Development delays caused by regulatory hurdles, unresolved slum rehabilitation approvals, and multiple litigations led to a financial crisis. Despite availing INR 5,045 Cr.+ in project-specific loans from Piramal Capital and Housing Finance Ltd., delays in free sale monetization led to persistent defaults. The debt ballooned to nearly INR 13,000 Cr. across entities by 2023. Fragmented operational and financial structures, legal encumbrances, and lack of clear documentation further exacerbated the distress.

Challenges encountered by the RP

- **Complex Multi-Entity Financial Structure-** Each of the 10 group companies held partial development rights under assignment deeds from Darshan Developers Pvt. Ltd. and had availed separate project loans from Piramal Capital (formerly DHFL), secured against individual Free Sale FSI parcels. This led to an overlapping yet fragmented financial structure, with sanctioned loans

exceeding INR 5,045 Cr. Defaults across all facilities began by March 2019, and the consolidated debt swelled to INR 13,000 Cr. at CIRP initiation due to accrued interest and penalties.

- **Disputed Development Rights and Encumbered Parcels-** The project land included multiple CTS plots owned by various authorities like GoM, MHADA, trusts, and private entities. Title consolidation was hindered by disputes, absence of physical demarcation, and third-party claims. The RP conducted a comprehensive recovery of critical documents between May–August 2023 from agencies like SRA, MCGM, ED, and CBI to bring clarity for resolution planning.
- **Zoning, Planning, and Aviation Restrictions-** Under Development Control and Promotion Regulations 2034, the land was subject to zoning reservations, open space requirements, and aviation height limits. These restrictions posed constraints on FSI utilization and vertical development, directly affecting project feasibility and profitability.
- **Delay Due to Fragmented Proceedings-** CIRP proceedings for the group entities were admitted across different NCLT benches between July 2021 and March 2023, causing procedural delays. Consolidation was achieved only on April 10, 2023, after time-consuming legal filings.
- **Encumbered Non-Core Land in Coonoor-** A 131-acre non-core land in Coonoor, Tamil Nadu, was embroiled in title disputes, litigation, and was under CBI attachment related to criminal proceedings. Lack of clear historical ownership and competing claims made monetization impossible during CIRP, adding complexity to estate management.
- **Disputed Ownership and Financial Claims-** A former stakeholder group claimed indirect ownership and financial interests in key project assets via old agreements. This triggered prolonged legal disputes, settlement negotiations (valued over INR 400 Cr.), and site access issues. The RP responded by initiating arbitration and filing a Section 66 IBC application for fraud and asset diversion.
- **High Insolvency Exposure and Consolidation Risk-** With 11 group entities and INR 13,000 Cr. in debt, the consolidated CIRP posed substantial risk for investors. Any resolution plan would need to tackle complex legal, implementation, and approval-related challenges.
- **Withdrawal of Multiple High-Profile Resolution Applicants-** Despite receiving EOIs from reputed developers, many withdrew due to litigation risks, lack of possession clarity, and zoning issues under Development Control and Promotion Regulations 2034. This impacted CoC decisions and delayed the resolution timeline, forcing the RP to repeatedly re-engage the market under pressure.
- **Absence of Books and Records-** The CIRP began with no financial records, filings, or project documents after FY 2017–18. The RP reconstructed accounts, audits, and litigation history from FY 2018–19 onward using statutory data, effectively rebuilding the companies' entire financial and legal framework.

- **Non-Cooperation from Suspended Management-** The suspended promoters and directors provided minimal assistance. The RP filed Section 19 IBC applications to gain access to assets, records, and digital data. The absence of administrative support made claim verification and asset tracing highly resource-intensive.
- **Forensic Uncovering of INR 6,000 Cr. Fraud-** A forensic audit revealed fraudulent and preferential transactions exceeding INR 6,000 Cr. This led to multiple avoidance applications under Sections 66 and 67 of the IBC and formed a key pillar of the estate preservation and recovery strategy.
- **Extensive Litigation-** The CIRP faced numerous ongoing litigations across NCLT, High Courts, CBI, SRA, and civil/criminal forums. These included fraud claims, title disputes, arbitrations, and enforcement actions—all of which jeopardized project land and required active legal management to ensure plan viability and value protection.

Strategies to achieve the resolution under the IBC

- **Consolidation of CIRP Across 11 Entities: A landmark move** – the RP, with CoC's support, filed for and secured consolidation of all CIRPs under one forum. This was approved on April 10, 2023, enabling unified resolution planning.
- **Modular Resolution Framework: Between April–Dec 2023**, RP designed a phased asset-based resolution strategy. Parcels were categorized into:
 - **Encumbered vs. Unencumbered**
 - **Litigated vs. Clear Possession** This modular approach allowed for conditional construction, phased monetization, and investor-friendly execution.
- **Market Re-engagement & Revised Eligibility:** The Evaluation Matrix was revised to attract bidders with legal risk appetite. Continuous dialogue was maintained with withdrawn applicants, paving the way for renewed interest once issues were de-risked.
 - **CoC Assets:** Focused on recovering INR 6,000 Cr. in receivables.
 - **Non-CoC Assets:** Included the Juhu Gully SRA Project and two disputed parcels. This reduced legal friction and improved investor confidence.
- **Secured CIRP Continuity:** 23 CoC meetings were conducted, and in December 2024 submitted a comprehensive resolution plan, was unanimously approved by the CoC in January 2025.

Name of the CD	Manpreet Estates LLP
Location of the Project	Khar West, Mumbai, Maharashtra
Business Activity of CD	Real Estate Development
Project Details	Redevelopment Project in Khar West locality
CIRP Commencement date	November 24, 2023
CIRP Duration	~5 months
RP Appointed	Amit Vijay Karia
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

Manpreet Estates LLP's financial distress stemmed from multiple factors beyond a mere loan default. In January 2017, the company secured a project term loan of INR 180 Cr. from Dewan Housing Finance Limited which was later taken over by Piramal Capital & Housing Finance Limited. However, on October 15, 2018, Manpreet Estates defaulted on its repayment obligations, leading to the loan being classified as an NPA. Despite receiving a recall notice on February 25, 2020, the company was unable to clear its dues, further assigned to VSJ Investments Private Limited, prompting Piramal Capital & Housing Finance Limited to initiate insolvency proceedings.

Challenges encountered by the RP

- **Regulatory Challenges:** A legal dispute under the Prohibition of Benami Property Transactions Act led to a show-cause notice and property attachment.
- **Project Delays:** Execution was stalled due to regulatory issues, further worsening financial strain.
- **Financial Mismatches:** Cash flow mismatches and prolonged delays affected liquidity.
- **Market Downturn:** A decline in the real estate sector added to the company's financial instability.
- **Rising Debt:** Liabilities escalated to INR 280 Cr.
- **Stalled Projects & Creditor Claims:** Increasing claims from creditors compounded financial distress.
- **Insolvency Proceedings:** Given the financial crisis, initiating insolvency proceedings became unavoidable.

Strategies to achieve the resolution under the IBC

- **Handling Legal Complexities:** Amit Karia navigated intricate legal challenges, including allegations under the Benami Property Act, which impacted assets and investor confidence.
- **Managing Stakeholder Conflicts:** Balanced interests of financial creditors seeking maximum recovery and potential investors requiring legal clarity before committing funds.
- **Ensuring Timely Resolution:** Led swift negotiations to prevent asset value erosion and protect project viability.

- **IBC Framework Alignment:** Successfully managed legal and financial complexities within the IBC framework.
- **Resolution Plan Approval:** The CoC approved a plan under which Wadhwagroup Holdings Pvt. Ltd. took over Manpreet Estates LLP.
- **Project Revival & Creditor Recovery:** Ensured resumption of stalled redevelopment projects, creditor recoveries, and reinforced confidence in real estate insolvency resolutions.

Name of the CD	Metrik Infraprojects Private Limited
Location of the Project	Bengaluru
Business Activity of CD	Construction & Development of Residential Luxurious Apartments and Commercial Projects
Project Details	Jain Heights East Parade – Multi-storied Residential Apartment Building comprising seven towers (A, B, C, D, E, F, and G) with a total of 380 units. Each tower consists of two basements, a ground floor, and nine upper floors.
CIRP Commencement date	April 16, 2021
CIRP Duration	28 months
RP Appointed	Vinay Mruthyunjaya
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

The litigation initiated against the CD disrupted its operations, hindering project execution and financial stability. These legal disputes resulted in significant project delays, escalating construction costs, and obstructing the timely realization of receivables, thereby straining cash flows. Consequently, the CD faced mounting difficulties in servicing its debt obligations, further exacerbating its financial distress. The combined impact of these factors severely impaired the completion and delivery of flats, deepening the liquidity crisis and constraining the company's ability to meet creditor commitments.

Challenges encountered by the RP

- **Regulatory and Execution Challenges:** Concerns over regulatory compliance, escalating costs, and execution feasibility in under-construction projects.
- **Legal Complexities:** Ongoing disputes related to land titles, conflicting creditor claims have caused delays in decision-making.
- **Non-cooperation by Suspended Board of Directors:** The suspended board failed to cooperate with the RP, violated the moratorium by acting on behalf of the Corporate Debtor without approval, and initiated litigations to delay the CIRP. The RP addressed these challenges while working to secure their cooperation and ensure smoother resolution.
- **Dealings with the Real Estate Allottees:** Many allottees were unfamiliar with insolvency laws and the role of the AR, often reaching out directly to the RP instead of channelling their concerns through the designated AR. Understanding their anxieties and the need for clear communication, the RP scheduled late-night meetings to patiently address their queries, clarify the process, and provide necessary guidance.

Strategies to achieve the resolution under the IBC

- **Submission of Resolution Plan by Suspended Board:** As an MSME, the CD's suspended board of directors submitted a resolution plan under the provisions of the IBC.
- **Strategic Negotiation by the RP :** The RP actively engaged with creditors to strategically negotiate the plan, ensuring alignment with stakeholder expectations.
- **Selection of Successful Resolution Applicant:** Maniveera Structure Private Limited was chosen as the successful resolution applicant after a collaborative and competitive evaluation process.
- **Approval by CoC and NCLT:** The resolution plan received formal approval from the CoC and was subsequently ratified by the NCLT in September 2023.
- **Focused Settlement for Real Estate Allottees:** The plan specifically addressed the claims of financial creditors in a class, namely the Real Estate Allottees, through a targeted resolution approach.
- **Completion and Handover of Project:** The plan ensured timely project completion and handover of flats/units to homebuyers, meeting their primary objective of possession.
- **Alignment with IBC Objectives:** The resolution strategy adhered to the core objectives of the IBC, including value maximization, business revival, and protection of stakeholders' interests.

Name of the CD	Nirmal Lifestyle Realty Private Limited
Location of the Project	Mumbai, Maharashtra
Business Activity of CD	Real Estate Development
Project Details	Large-scale residential and commercial projects
CIRP Commencement date	November 24, 2023
CIRP Duration	~32 months
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

The most critical aspect of the case was the unpaid dues of 676 workmen, comprising 575 workers from Ralliwolf Ltd. and 101 workers from Nirmal Lifestyle Realty, who had been awaiting their wages, gratuity, and other statutory dues for over two decades. The total admitted claims reached INR 1,892 Cr., including liabilities towards financial institutions, government dues, and employee claims.

Challenges encountered by the RP

- **Workers' Claims Disputes:** The total claim of INR 119.5 Cr. from workmen was partially admitted, leading to legal challenges over rejected amounts, especially gratuity and interest dues.
- **Legal and Regulatory Complexities:** The case required navigating NCLT proceedings, balancing IBC priorities with labour laws, and addressing competing claims from secured and unsecured creditors.
- **Debt Resolution and Investor Confidence:** Negotiating with financial creditors while ensuring maximum recovery value without liquidation was a crucial challenge.
- **Valuation and Settlement:** The RP had to ensure that the workers received fair compensation while also meeting the expectations of financial creditors and resolution applicants.

Strategies to achieve the resolution under the IBC

- **Securing Legal Recognition for Workmen's Rights:** The NCLT ruled in favor of the workmen, recognizing gratuity and interest as statutory payments, ensuring their claims were fully admitted.
- **Maximizing Financial Recovery:** The approved resolution plan ensured a total payout of INR 79.10 Cr. to workmen, representing 220% of their minimum entitlement under IBC's liquidation hierarchy.
- **Successful Selection of a Resolution Applicant:** Oberoi Constructions Ltd. emerged as the successful resolution applicant, approved with 100% voting from the CoC.

- **Workers Finally Received Their Dues After 20+ Years:** This resolution restored financial stability and legal rights to 676 workmen.
- **Full Payment to Creditors:** The successful resolution ensured that all secured and operational creditors were compensated, with no financial loss to the lenders.

Name of the CD	Ornate Spaces Private Limited
Location of the Project	Mumbai, Maharashtra
Business Activity of CD	Real Estate Development
Project Details	MHADA allotted land to UTI Society for the benefit of its employees, which in turn assigned development rights to Ornate Spaces Private Limited to build a residential project on the designated land.
CIRP Commencement date	June 29, 2020
CIRP Duration	~15 months
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

Ornate Spaces faced financial distress due to excessive reliance on debt, prolonged project delays, and regulatory hurdles. The company had raised substantial capital through secured NCDs and loans to finance the development. However, cost overruns and delayed approvals led to severe cash flow mismatches, making debt servicing unviable. Investigations uncovered fund diversions meant for development of the project, resulting in halted construction, unpaid obligations, and mounting legal disputes. As homebuyers withheld payments and creditors intensified recovery efforts, the company spiralled into crisis. Repeated attempts to secure last-mile funding were unsuccessful, making insolvency unavoidable. With INR 738 Cr. in admitted claims, the resolution process was crucial in averting liquidation and reviving stalled project.

Challenges encountered by the RP

- **Objections by UTI Society:** UTI Society challenged the CD's development rights, citing alleged breaches of the Development Agreement and claiming termination of the contract. They opposed the inclusion of the project assets in the CIRP and initiated multiple litigations, including demands for possession of the land and objections to the approved resolution plan.
- **Non-availability of Information from the Promoters of the CD:** The promoters failed to provide crucial project-related documents and financial records, making it difficult for the RP to conduct due diligence and assess claims. Legal intervention was required to obtain necessary records for evaluating the project status and liabilities.
- **Multiple Flats Allotted/Sold to More Than One Homebuyer:** Several instances of disputed sales and duplicate allotments surfaced, leading to conflicting claims from homebuyers.
- **Various Other Litigations:** The resolution process faced continuous legal hurdles, including challenges on land title, forgery of documents by the ex-promoters, objections from homebuyers, rejection of plans, disputes over creditor claim classifications, and enforcement of bank guarantees. The RP had to address multiple regulatory and contractual disputes before achieving final approval of the resolution plan.

Strategies to achieve the resolution under the IBC

- **Consensus Building:** Facilitated transparent discussions among homebuyers, financial institutions, and regulatory authorities, fostering agreement.
- **Asset Valuation & Feasibility:** His team streamlined asset valuation, ensuring creditors had clarity on the resolution plan's feasibility.
- **Successful Resolution Applicant:** Ashdan Properties Pvt. Ltd. was selected after a rigorous evaluation, presenting a viable financial and project completion strategy.
- **Creditor & Homebuyer Protection:** The resolution plan received 80.86% approval from the CoC, ensuring both creditor recoveries and project completion.
- **Regulatory & Stakeholder Coordination:** Maintained meticulous coordination with regulators and stakeholders, enabling a smooth transition to the new resolution applicant.

Name of the CD	Radius Estates and Developers Private Limited
Location of the Project	Bandra, Mumbai
Business Activity of CD	Real Estate Development
Project Details	Ten BKC, a premium residential project in Bandra, Mumbai. Located at Kala Nagar, this project was jointly redeveloped with the DB Group on land allotted by MIG Society.
CIRP Commencement date	April 30, 2021
CIRP Duration	~8 months
RP Appointed	Jayesh Natvarlal Sanghrajka
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

The crisis was driven by a severe liquidity crunch, intensified by ~ INR 200 Cr. default on NCDs regulatory delays, and the economic impact of the COVID-19 downturn. Stalled construction and mounting financial obligations left Radius Estates unable to meet its commitments, putting both homebuyers and lenders at risk. With total admitted claims amounting to INR 1,892 Cr. covering dues to financial creditors, banks, and NBFCs the CIRP was initiated to address the distress and seek a structured resolution.

Challenges encountered by the RP

- **Complex Structure of project:** Development rights granted by the Society to the DB Group, followed by a joint development agreement with Radius Estates, complicated the process.
- **Legal and Arbitration Disputes:** The Society's termination of the Development Agreement, the interim arbitral award, and JD partner's challenge in the Bombay High Court had caused legal uncertainties in the resolution process of the CD project.
- **Valuation Disputes:** Differing assessments of prime real estate assets delayed decision-making and multiple litigations.
- **Categories of Homebuyers:** Homebuyers of both the entities with or without subvention loan and the original homeowners of society made it complex structure of homebuyers in one project.
- **Dependency on JD partner and Society Negotiations:** The fate of the CIRP depended on the JD partner's negotiations with the Society, and a failure to resolve the deadlock could have threatened the project and the CD's revival.

Strategies to achieve the resolution under the IBC

- **Construction and interim finance:** To protect the development rights, the construction was started during the pendency of the CIRP, and interim finance was availed to make the payment of premium and construction.
- **Successful Resolution Applicant:** Adani Goodhomes Pvt. Ltd. emerged as the preferred bidder, receiving 83.93% approval from the CoC.
- **Homebuyer Protection:** The resolution ensured that homebuyers would receive their units without incurring any escalation costs or have the option to request for a refund.
- **Maximizing Value Recovery:** While financial creditors had to accept a haircut, the plan prevented liquidation and maximized recovery.
- **Legal Endorsement:** The NCLAT upheld the resolution, reinforcing the primacy of the CoC, homebuyer protection, and the IBC's focus on resolution over liquidation.
- **Debt Settlement:** The resolution successfully settled a total debt of INR 3,028 cr., making it a landmark case in real estate insolvency.
- **Industry Benchmark:** Through strategic negotiations and structured execution, Incorp Restructuring LLP successfully revived Ten BKC, setting a new standard for rapid and effective real estate insolvency resolutions.

Name of the CD	Rite Bultec Private Limited
Location of the Project	Borivali, Mumbai, Maharashtra
Business Activity of CD	Real Estate Development, specializing in SRA projects
Project Details	Devipada SRA Project - Redevelopment project aimed at rehabilitating over 750 slum dwellers; faced extensive delays exceeding 15 years due to regulatory hurdles and financial mismanagement
CIRP Commencement date	August 25, 2023
CIRP Duration	~ 12 Months
RP Appointed	Amit Vijay Karia
Supporting IPE	InCorp Restructuring Services LLP

Reason(s) for stress

RBPL secured INR 60 Cr. loan from Piramal Capital & Housing Finance Limited to fund its Borivali project. However, prolonged delays spanning 15 years, coupled with financial mismanagement, led to defaults on debt obligations. Regulatory hurdles, disputes over rehabilitation agreements, and escalating construction costs further disrupted the project timeline, causing significant cost overruns and straining the company's cash flow. The downturn in Mumbai's real estate market further diminished investor interest in distressed projects, restricting RBPL's ability to secure additional funding. With no viable options to resume development, the company faced a severe liquidity crisis, ultimately leading to the initiation of insolvency proceedings.

Challenges encountered by the RP

- **Stakeholder Management:** Managed the interests of 750+ slum dwellers awaiting rehabilitation for over a decade, addressing their concerns and unrest.
- **Negotiation & Trust-Building:** Navigated stakeholder tensions through careful negotiation and consensus-building.
- **Project Valuation Challenges:** Assessed the stalled project amid fluctuating real estate conditions, making it challenging to attract resolution applicants.
- **Regulatory Compliance:** Ensured adherence to SRA directives, including addressing overdue rent payments for displaced residents.
- **Multi-Stakeholder Coordination:** Worked closely with financial creditors, regulatory authorities, and potential investors to facilitate a structured resolution.
- **Transparent Resolution Process:** Ensured a well-structured and transparent insolvency resolution, overcoming legal and financial complexities.
- **Assignment of Debt:** There was an Assignment of Debt by the sole CoC member leading to reconstitution of CoC and delay in decision making.

Strategies to achieve the resolution under the IBC

- **Successful Resolution Plan:** Aspect Global Ventures Pvt. Ltd.'s resolution plan was approved, marking a turning point in RBPL's recovery.
- **Creditor Settlement:** The plan proposed a INR 36 Cr. one time settlement in 15 days of NCLT approval to Omkara Assets Reconstruction Pvt. Ltd., the sole financial creditor, against INR 105 Cr. in admitted claims.
- **Slum Rehabilitation Compliance:** Addressed overdue payments to slum dwellers in line with SRA directives, ensuring their rightful rehabilitation.
- **Project Revival:** Enabled the revival of the long-stalled project, preventing further deterioration.
- **Financial Relief:** Provided creditors with financial recovery, mitigating potential losses.
- **Social Impact:** Facilitated the rehousing of affected families, reinforcing the role of insolvency resolution in ensuring social and financial stability.

Name of the CD	SN Engineering Services Pvt. Ltd.
Location of the Project	Mumbai, Maharashtra
Business Activity of CD	Ready Mix Concrete and Engineering Services
Project Details	Engineering Services
CIRP Commencement date	March 17, 2023
CIRP Duration	~7 months
RP Appointed	Amit Vijay Karia
Supporting IPE	InCorp Restructuring Services LLP

Reason(s) for stress

SN Engineering Services Pvt. Ltd. faced financial distress due to debt defaults and asset devaluation, leading to insolvency proceedings initiated by WAM India Pvt. Ltd. under Section 9 of IBC. The company's fair value ranged between INR 1.39 Cr. to INR 1.51 Cr., while the liquidation value was between INR 65.60 Lakh to INR 70.18 Lakh, making creditor recoveries challenging. The total admitted claims stood at INR 3.07 Cr., significantly exceeding the liquidation value, requiring structured resolution.

Challenges encountered by the RP

- **Managing Ongoing Payments:** The RP had to ensure continuous payments to contractors and suppliers to maintain site activity and avoid project delays during the CIRP.
- **Coordination with Local Authorities:** Effective engagement with local authorities, including the MMRDA, was necessary to obtain required approvals and ensure compliance with statutory obligations.
- **Recovery from Debtors:** The RP undertook efforts to recover pending payments from debtors to meet essential running expenses and sustain cash flow.
- **Creditors' Recovery Concerns:** The total admitted claims of INR 3.07 Cr. were significantly higher than the company's liquidation value, making creditors hesitant about accepting any resolution plan.

Strategies to achieve the resolution under the IBC

- **Reinviting Resolution Applicants:** After the initial lack of bidders, the EOI process was extended, and direct outreach was conducted, leading to the selection of Land-Marine Engineering and Port Solutions LLP as the successful resolution applicant.
- **Balancing Valuation & Creditor Expectations:** The RP negotiated with creditors to align the INR 1.45 Cr. resolution plan with fair market valuation, ensuring structured payouts.

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- **Timely Payment:** The resolution plan ensured INR 75 lakhs (68%) was allocated to the financial creditors, and paid in full within 21 days of the NCLT approval.
 - **Prioritizing Operational Creditor Payments:** The resolution plan ensured INR 25 lakh (12.75%) was allocated to operational creditors, fostering confidence in the CIRP process.
 - **Achieving 100% CoC Approval:** Through effective creditor negotiations and transparency, the plan secured 100% CoC approval.
 - **Timely Completion of CIRP.** The CIRP was completed in just 114 days of taking over as the RP, in place of the erstwhile IRP.

Name of the CD	Swapnil Promoters and Developers Pvt. Ltd.
Location of the Project	Nagpur, Maharashtra
Business Activity of CD	Real Estate Development
Project Details	Residential and Commercial Real Estate Projects
CIRP Commencement date	July 4, 2023
CIRP Duration	~12 months
RP Appointed	Amit Vijay Karia
Supporting IPE	Incorp Restructuring Services LLP

Reason(s) for stress

Swapnil Promoters and Developers Pvt. Ltd. faced severe financial distress due to overleveraged debt, lack of working capital, and an inability to service financial obligations. The insolvency proceedings were initiated by Omkara Assets Reconstruction Pvt. Ltd. and the total admitted claims stood at INR 47.30 Cr.

Challenges encountered by the RP

- **Debt Assignment & Creditor Reconstitution:** The original financial creditor, Omkara Assets Reconstruction Pvt. Ltd., assigned its debt to Best Power Plus Pvt. Ltd. on December 4, 2023, requiring a complete reconstitution of the CoC.
- **Delayed & Extended Bidding Process:** The first EOI issued on November 10, 2023, failed to attract suitable resolution applicants, leading to a second EOI on December 23, 2023.
- **Valuation & Creditor Recovery Expectations:** The Fair Value (INR 5.35 Cr.) and Liquidation Value (INR 4.55 Cr.) led to difficult negotiations with creditors regarding expected recoveries. The resolution plan was remanded back to the COC for their reconsideration by the NCLT, Mumbai.

Strategies to achieve the resolution under the IBC

- **Reconstitution of the CoC:** Managed creditor reconstitution smoothly following the debt assignment, ensuring no disruption in the resolution process.
- **Multiple Rounds of Bidding to Ensure Optimal Resolution:** After limited initial interest, additional EOIs were issued, ensuring a competitive process that led to the selection of CIAN Agro Industries & Infrastructure Ltd. as the resolution applicant.
- **Fair Valuation & Structured Creditor Payoffs:** The approved resolution plan ensured financial creditors received structured payouts while preventing liquidation.
- **Successful CoC Approval:** The resolution plan was approved with 93.08% of the CoC votes, confirming broad stakeholder agreement.
- **Fair Valuation & Structured Creditor Payoffs:** The approved resolution plan ensured financial creditors received structured payouts while preventing liquidation.

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