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REAL ESTATE INSOLVENCIES IN 2026: COMPETING RIGHTS OF HOMEBUYERS, LENDERS AND PUBLIC AUTHORITIES UNDER THE IBC

The Insolvency and Bankruptcy Code, 2016 ("IBC") was enacted with the objective of ensuring timely resolution of insolvency and maximisation of value of assets. While the framework generally functions through a relatively straightforward interaction between the corporate debtor and its creditors, real estate insolvencies present a markedly different challenge.

Unlike traditional corporate insolvencies, real estate projects involve a large and diverse group of stakeholders whose interests are often difficult to reconcile. A distressed real estate project may involve thousands of homebuyers awaiting possession of their homes, financial institutions seeking recovery of substantial secured debt, and development authorities asserting contractual and statutory rights over the underlying land. As a result, the insolvency of a real estate developer is rarely a dispute concerning debt alone. It frequently becomes a contest over who should determine the future of the project and whose interests should ultimately prevail.

The complexity of such disputes has become increasingly visible over the last decade. Large real estate insolvencies have demonstrated that the conventional insolvency model, which primarily focuses on creditor recovery, does not always adequately address the concerns of homebuyers whose primary objective is not financial recovery but completion of the project and delivery of possession.

The legal framework governing homebuyers has also undergone significant transformation. Initially, homebuyers occupied a relatively uncertain position under the IBC and lacked meaningful participation in insolvency proceedings. Judicial intervention and subsequent legislative amendments gradually recognised their unique position within the insolvency ecosystem and conferred upon them the status of financial creditors. However, the recognition of homebuyers as financial creditors did not entirely resolve the challenges associated with real estate insolvencies.

The contemporary debate has shifted beyond the question of whether homebuyers possess rights under the IBC. The more pressing issue today concerns the extent to which those rights translate into actual influence over the outcome of insolvency proceedings. Even where homebuyers participate in the Committee of Creditors through authorised representatives, financial institutions continue to exercise substantial influence owing to their financial exposure. Simultaneously, development authorities frequently retain significant control over project land and development rights, thereby introducing an additional layer of complexity into the resolution process. The challenge therefore is no longer one of recognition, but of balance. Courts are increasingly required to determine how the competing interests of homebuyers, lenders and public authorities can be reconciled without undermining the fundamental objective of the insolvency process: the successful revival and completion of distressed real estate projects.

Development Authorities and the Question of Project Control: Alpha Corp v. GNIDA (May 5, 2026)

The Supreme Court's decision in *Alpha Corpn. Development (P) Ltd. v. Greater Noida Industrial Development Authority*[1] addresses one of the most difficult questions in real estate insolvencies: what happens when an approved resolution plan collides with the rights of the authority that controls the underlying land.

The dispute arose from the insolvency of Earth Infrastructures Limited, a developer whose projects had remained stalled for years, leaving thousands of homebuyers awaiting possession. During the CIRP, separate resolution plans were approved for the Earth Towne, Earth Sapphire Court and Earth TechOne projects. However, the lands on which these projects were situated had originally been allotted by GNIDA through lease arrangements executed in favour of special purpose vehicles and subsidiary entities associated with the developer. GNIDA challenged the approved plans, contending that the insolvency of Earth Infrastructures Limited could not automatically result in the transfer or continuation of rights over lands that were leased by it to separate entities.

The Supreme Court accepted the broader concern raised by GNIDA regarding the treatment of leasehold rights and the distinct legal identity of the subsidiary entities holding those leases. The Court observed that the CIRP of a holding company cannot, merely by virtue of insolvency proceedings, subsume assets and rights belonging to separate legal entities. At the same time, the Court was conscious of the practical consequences that prolonged disputes would have on thousands of homebuyers who had already waited years for project completion.

Rather than treating the dispute as a conventional contest between creditors and the corporate debtor, the Court recognised the unique realities of real estate insolvencies. The judgment acknowledges that large housing projects often operate through complex corporate structures involving developers, SPVs, land-owning entities and development authorities. Consequently, resolution of the developer's insolvency does not automatically resolve disputes relating to land ownership, leasehold rights or regulatory permissions.

The significance of the decision lies in what it reveals about control in a distressed real estate project. The resolution plans in the present case had already received creditor approval and had secured support from stakeholders seeking project revival. Yet the future of the projects remained dependent upon questions concerning land rights and the position of the development authority.

The case therefore demonstrates that approval by the Committee of Creditors, while essential, may not always be sufficient to ensure implementation in a real estate CIRP.

For the purposes of this discussion, Alpha Corp highlights an important reality: in large real estate insolvencies, influence is not exercised solely through voting rights in the CoC. Development authorities may continue to shape the outcome of the resolution process through their control over land allotments, lease conditions and development permissions. The judgment therefore illustrates that the fate of a distressed project is often determined not by a single stakeholder, but by the interaction between creditors, homebuyers, resolution applicants and the public authorities that continue to control critical aspects of the project.

Homebuyers as Active Participants in Resolution: Angelwoods Apartment Allottees Association v. M. Lalitha (May 12, 2026)

The Supreme Court's decision in Angelwoods Apartment Allottees Association v. M. Lalitha[2] offers an interesting contrast to the traditional narrative surrounding homebuyers under the IBC. Earlier real estate insolvency cases largely focused on protecting homebuyers and ensuring that their interests were adequately represented within the insolvency process. In Angelwoods, however, the homebuyers were not seeking protection from the process. They were seeking to preserve a resolution process that they themselves had successfully driven.

The dispute arose after the NCLT approved a resolution plan submitted by the Angelwoods Apartment Allottees Association in relation to Samson and Sons Builders and Developers Pvt. Ltd. The significance of this fact should not be understated. The successful resolution applicant was not a financial institution, private equity investor or third-party developer. It was a body representing the homebuyers themselves. The case therefore reflects a growing trend in which organised groups of allottees are moving beyond the role of claimants and actively participating in efforts to revive distressed projects.

Following approval of the resolution plan, an appeal was filed before the NCLAT by the mother of a suspended director of the corporate debtor, who also claimed to be a financial creditor. The appeal was filed on the last day of the condonable limitation period and suffered from numerous defects. Most importantly, it was filed without a certified copy of the impugned NCLT order. Even after being refiled several months later, many of the defects remained uncured and the

1. Alpha Corpn. Development (P) Ltd. v. Greater Noida Industrial Development Authority, 2026 SCC OnLine SC 806
2. Angelwoods Apartment Allottees Assn. v. M Lalitha, 2026 SCC OnLine SC 846

appellant had still not obtained the certified copy of the order sought to be challenged.

The NCLAT nevertheless condoned the delays and permitted the appeal to proceed. The Supreme Court took a different view. Relying upon the strict timelines embedded in the IBC and its earlier jurisprudence emphasising procedural discipline, the Court held that the appeal was fundamentally defective and incapable of being entertained. The Court observed that the appellant had not merely committed curable procedural lapses but had failed to satisfy the basic requirements necessary for institution of a valid appeal. The order condoning delay was therefore set aside and the appeal itself was held to be unsustainable.

The broader significance of the judgment lies in what it reveals about the Court's approach towards finality in insolvency proceedings. The Court was clearly unwilling to permit an approved resolution plan to remain vulnerable to challenges initiated through defective and delayed proceedings. This concern assumes particular importance in the real estate sector, where every additional round of litigation can postpone project completion and prolong uncertainty for homebuyers awaiting possession.

Viewed in the context of the present discussion, Angelwoods demonstrates that homebuyers are increasingly becoming active participants in the resolution process rather than passive beneficiaries of it. At the same time, the decision reinforces another important principle: once a resolution plan has been approved, the insolvency framework places considerable value on certainty and finality. The judgment therefore suggests that the interests of project revival may, in appropriate cases, outweigh attempts to reopen completed stages of the resolution process through procedurally defective challenges.

Delayed Resolution and the Cost to Homebuyers: AVJ Heightss Apartment Owners Association v. IIFL Finance Ltd. (April 16, 2026)

The proceedings in AVJ Heightss Apartment Owners Association v. IIFL Finance Ltd.[3] reveal a challenge that receives far less attention than questions of creditor rights or voting power but may ultimately have a greater impact on stakeholders: institutional delay.

The dispute initially arose from the claim of IIFL Finance Limited against the corporate debtor. The Resolution Professional had rejected the claim on the ground that it could not be verified from the records of the corporate debtor. The NCLT subsequently allowed the claim, and the NCLAT affirmed that decision.

Before the Supreme Court, the appellants questioned the legitimacy of the claim itself and relied heavily upon findings recorded in a subsequent arbitral award which cast serious doubts on the underlying transaction and the supporting documentation relied upon by IIFL.

Ordinarily, the case may have remained a dispute concerning admission of a financial creditor's claim. However, during the course of the proceedings, a far more significant issue came to the Court's attention. It was brought to the notice of the Court that the Committee of Creditors had already approved a resolution plan on 4 July 2024 and that the approval application had been filed before the NCLT on 12 July 2024. Yet, nearly two years later, the application continued to remain pending without adjudication.

The Supreme Court expressed serious concern over this state of affairs. Rather than limiting itself to the dispute between the parties, the Court expanded the scope of the proceedings and sought information regarding the number of approval applications pending before the NCLT, the duration of such pendency and the reasons for the delays. The Court also directed the Insolvency and Bankruptcy Board of India to place relevant data and statistics on record and appointed senior counsel as amici to assist the Court in examining the issue.

What makes the order particularly significant is that it shifts attention to a stage of the insolvency process that is often overlooked. Much of insolvency jurisprudence focuses on admission of claims, constitution of the Committee of Creditors and approval of resolution plans. The Court's observations in AVJ Heightss recognise that even after stakeholders have negotiated a resolution and the Committee of Creditors has approved a plan, the objectives of the IBC may remain unrealised if approval applications remain pending for extended periods.

The implications are especially serious in the real estate sector. For financial creditors, delays may postpone recoveries. For homebuyers, however, delays often have far more tangible consequences. Every year of pendency may mean another year without possession, continued payment of housing loans, rising construction costs and further deterioration of stalled projects. The value of a successful resolution therefore depends not merely upon approval by creditors but upon timely implementation through the adjudicatory process.

Viewed in the context of the present discussion, AVJ Heightss demonstrates that control over a distressed real estate project may be affected by factors that lie

3.AVJ Heightss Apartment Owners Ass'n v. IIFL Fin. Ltd., Civil Appeal No. 3811 of 2023 (India Apr. 16, 2026) (order) entirely outside stakeholder negotiations. Homebuyers may support a resolution plan, lenders may approve it and a resolution applicant may be ready to implement it. Yet the project may continue to remain stalled if the final stage of the process is delayed. The order therefore highlights a new challenge in real estate insolvencies: the transition from plan approval to actual implementation. In doing so, it suggests that the next phase of insolvency reform may need to focus not only on stakeholder rights but also on ensuring that approved resolutions are translated into completed projects within a reasonable timeframe.

Control Through the Committee of Creditors: Bhuvan Madan v. Committee of Creditors of Jaiprakash Associates Ltd. (March 17, 2026)

The NCLT's decision in *Bhuvan Madan v. Committee of Creditors of Jaiprakash Associates*[4] Ltd. arose from one of the largest ongoing insolvency proceedings in the real estate sector. The corporate debtor, Jaiprakash Associates Limited ("JAL"), had substantial interests across multiple sectors, including real estate, engineering, cement and infrastructure. The resolution process attracted significant public attention because of the large number of stakeholders involved, including institutional lenders, homebuyers and development authorities.

A notable feature of the case was the composition of the Committee of Creditors. While homebuyers were represented as a class of financial creditors and held voting rights through their authorised representative, their voting share stood at approximately 3.69% of the CoC. In contrast, institutional lenders, particularly NARCL and other financial creditors, held an overwhelming majority of the voting power. The case therefore provides a useful illustration of how the statutory recognition of homebuyers as financial creditors does not necessarily translate into equivalent influence within the decision-making structure of a CIRP.

During the resolution process, the Resolution Professional and the CoC undertook extensive negotiations with prospective resolution applicants. Importantly, the record shows that specific issues concerning homebuyers were separately highlighted and communicated to prospective applicants during the resolution process. A representative of the homebuyers was also included in the Sub-Committee constituted to facilitate discussions with resolution applicants. This demonstrates that homebuyer concerns were actively considered during negotiations, even though the ultimate commercial decisions remained with the CoC. The resolution process eventually culminated in the approval of Adani Enterprises Limited's resolution plan with 93.81% voting support. Significantly, the homebuyers voted in favour of the successful resolution plan. The NCLT thereafter approved the plan after examining compliance with the requirements of the IBC and the CIRP Regulations. The approved plan also contained a dedicated treatment for homebuyer claims as part of the broader stakeholder distribution framework.

What makes this decision particularly relevant to the present discussion is that it highlights the practical reality of modern real estate insolvencies. The case does not suggest that homebuyers have displaced institutional lenders as the primary decision-makers within the insolvency process. Rather, it demonstrates a more nuanced position. Homebuyers today possess a recognised seat at the table, their concerns must be considered and they participate in key decisions through the CoC framework. However, the commercial direction of large real estate insolvencies continues to be significantly influenced by institutional financial creditors who hold the majority voting power.

Viewed alongside Alpha Corp, *Angelwoods and AVJ Heightss*, the Jaiprakash Associates resolution shows that the question of control in a distressed real estate project is rarely determined by a single stakeholder. Even where homebuyers are recognised as financial creditors, the outcome of the process depends upon a combination of lender approval, stakeholder participation, regulatory considerations and the feasibility of completing the underlying project. The decision therefore reinforces an important theme emerging from recent jurisprudence: in large real estate CIRPs, influence is shared among stakeholders, but control over the final commercial outcome continues to rest largely with the CoC and the resolution process it supervises.

Homebuyer Rights and Voting Power: The Significance of Claim Valuation in Canara Bank v. Riverbank Developers Pvt. Ltd. (April 20, 2026)

The dispute arose during the CIRP of Riverbank Developers Pvt. Ltd.[5], where a group of homebuyers challenged the Resolution Professional's method of admitting their claims. The homebuyers argued that the RP had failed to include 8% interest under Regulation 16A(7) of the CIRP Regulations while calculating their claims. According to them, this substantially reduced the admitted value of homebuyer claims and consequently diminished their voting share within the Committee of Creditors. The homebuyers contended that both contractual compensation for delayed possession and the statutory 8% interest under Regulation 16A(7) should be recognised simultaneously.

4. Bhuvan Madan v. Committee of Creditors of Jaiprakash Associates Ltd., 2026 SCC OnLine NCLT 953
5. Canara Bank v. Riverbank Developers (P) Ltd., 2026 SCC OnLine NCLT 1358

The Resolution Professional opposed the application on the ground that the agreements executed between the developer and the allottees already contained a compensation mechanism for delay in handing over possession. Under the contractual terms, homebuyers were entitled to compensation calculated at a specified rate per square foot for delayed delivery. The RP argued that this compensation already reflected the time value of money and therefore the statutory 8% interest could not be added on top of it without resulting in duplication.

The NCLT accepted the RP's position. The Tribunal examined the relationship between contractual compensation and the statutory concept of time value of money that underpins the treatment of homebuyers as financial creditors under the IBC. It held that Regulation 16A(7) itself provides for 8% interest only where a different arrangement has not been agreed between the parties. Since the underlying agreements already provided a contractual mechanism compensating homebuyers for delayed possession, the Tribunal concluded that granting an additional 8% interest would amount to double counting the same loss. The application was therefore dismissed and the RP's computation methodology was upheld.

The significance of the decision extends beyond the immediate dispute regarding claim calculation. The case highlights that the influence of homebuyers within a CIRP depends not only on their statutory recognition as financial creditors but also on the manner in which their claims are admitted and quantified. Since voting share in a class is directly linked to the value of admitted debt, disputes regarding claim computation can have a direct impact on the balance of power within the Committee of Creditors. In that sense, the case draws attention to an often-overlooked aspect of real estate insolvencies: stakeholder influence is shaped not merely by legal status, but also by the methodology through which claims are valued and admitted.

Rather than expanding homebuyer rights, the decision reflects a judicial preference for respecting the commercial bargain already struck between developers and allottees. It suggests that insolvency proceedings are not intended to enhance contractual entitlements beyond what was originally agreed, particularly where doing so would alter the relative voting strength of stakeholders within the resolution process. For this reason, the case contributes to the broader discussion on how homebuyer participation is structured in real estate insolvencies and how voting power is ultimately distributed among competing stakeholders.

Finality of Admitted Homebuyer Claims and Limits on Post-Approval Verification: Sanjeev Sangal v. Apex Heights Pvt. Ltd. (April 21, 2026)

The NCLAT's decision in Sanjeev Sangal v. Apex Heights Pvt. Ltd.[6] arose from the CIRP of Maple Realcon Pvt. Ltd., the developer of the "Misty Heights" project in Greater Noida. The appellant was a homebuyer who had paid the entire consideration for a residential unit and whose claim had been admitted by the Resolution Professional during the CIRP. The appellant's name was included in the list of financial creditors and, importantly, the records maintained during the insolvency process reflected that no portion of his claim remained under verification.

The dispute emerged after approval of the resolution plan. Under the plan, the successful resolution applicant was required to deliver flats to homebuyers after verifying original documents such as Builder Buyer Agreements and payment receipts. Several years after approval of the resolution plan, however, the successful resolution applicant refused to hand over possession of the appellant's flat and began questioning the authenticity of the documents on the basis that additional scrutiny was required. The resolution applicant contended that the verification clause contained in the approved resolution plan entitled it to re-examine the appellant's claim and determine whether the claim was genuine.

The NCLAT rejected this approach. The Tribunal undertook a detailed examination of the verification clause and held that the clause could not be interpreted as granting the successful resolution applicant an unrestricted power to revisit or reject claims that had already been admitted during the CIRP. The Tribunal observed that the purpose of verification was limited to examining original documents and facilitating implementation of the resolution plan. It could not be used as a mechanism to reopen the claims reconciliation process after approval of the plan. Once the claim had been admitted by the Resolution Professional, reflected in the creditor records and taken into account while formulating and approving the resolution plan, the successful resolution applicant could not subsequently alter that position for its own benefit.

A particularly significant aspect of the judgment is the Tribunal's emphasis on the finality of the insolvency process. The NCLAT noted that a resolution applicant formulates its commercial proposal on the basis of liabilities identified during the CIRP. Equally, creditors

6.Sanjeev Sangal v. Apex Heights (P) Ltd., 2026 SCC OnLine NCLAT 506 vote on the resolution plan based upon those identified liabilities. Permitting a successful resolution applicant to revisit admitted claims years after approval would fundamentally undermine the certainty that the IBC seeks to achieve. The Tribunal therefore held that the successful resolution applicant must take over the corporate debtor together with the liabilities that stood crystallised through the insolvency process.

The decision is particularly important in the context of real estate insolvencies. Homebuyers frequently face situations where possession remains pending long after approval of a resolution plan and where disputes arise regarding documentation, allotment records or payment histories. The judgment makes it clear that a successful resolution applicant cannot indefinitely postpone implementation of an approved plan by repeatedly reopening issues that were already considered during the CIRP. Such an approach would defeat the very purpose of insolvency resolution and prolong uncertainty for homebuyers who have already waited through the insolvency process.

For the purposes of this newsletter, Sanjeev Sangal is significant because it shifts the focus from stakeholder participation to stakeholder certainty. While several recent decisions have examined the role of homebuyers within the insolvency process, this judgment addresses what happens after the process is complete. The Tribunal's approach suggests that once a homebuyer's claim has been admitted and incorporated into the resolution framework, the emphasis must shift from verification to implementation. In doing so, the decision reinforces a broader principle emerging from recent real estate insolvency jurisprudence: project revival requires not only approval of a resolution plan but also faithful and timely compliance with the obligations undertaken under that plan.

Exit from the Project and the Consequences of Non-Participation in CIRP: Ramesh Radia v. ICICI Bank Ltd. & Jaiprakash Associates Ltd. (March 17, 2026)

The decision in *Ramesh Radia v. ICICI Bank Ltd. & Jaiprakash Associates Ltd.*[7] addresses an issue that is increasingly likely to arise in large real estate insolvencies involving thousands of allottees: what happens to homebuyers who have already pursued refund remedies outside the insolvency process and subsequently fail to participate in the CIRP itself.

The applicants had booked a residential unit in the Pavilion Court project of Jaiprakash Associates Limited in 2008 and had paid substantial amounts towards the purchase price. Although possession was originally promised within the contractual timeline, the project suffered significant delays.

After waiting for several years, the applicants approached the National Consumer Disputes Redressal Commission (NCDRC), which in 2023 directed the developer to refund the deposited amount together with interest at 9% per annum. Execution proceedings were thereafter initiated before the NCDRC for enforcement of the refund decree. However, before the decree could be fully executed, CIRP was commenced against Jaiprakash Associates Limited in June 2024, resulting in the operation of the statutory moratorium.

The applicants subsequently approached the NCLT seeking either possession of the flat or, in the alternative, admission of their claim in the insolvency process. The Tribunal declined both requests. On the question of possession, the NCLT held that the applicants had consciously elected to pursue a refund remedy before the consumer forum and had already obtained a decree directing repayment of the amounts invested. Having chosen refund instead of possession, and having secured an order to that effect, the applicants could not subsequently seek restoration of allotment and possession through the insolvency process. Their entitlement had already crystallised into a monetary claim.

The Tribunal also refused the alternative prayer for admission of the claim in the CIRP. Although the applicants asserted that a claim had been submitted to the Resolution Professional, no documentary material was produced to establish that the prescribed claim form had in fact been filed and received during the insolvency process. In the absence of evidence demonstrating participation in the CIRP, the Tribunal held that the applicants could not be treated as stakeholders within the resolution process itself.

What makes the decision noteworthy is the Tribunal's reliance on the approved resolution plan rather than traditional insolvency remedies. The resolution plan for Jaiprakash Associates contained a specific "exit policy" dealing with homebuyers who had not filed claims during the CIRP. Instead of granting independent relief, the Tribunal held that such homebuyers would be governed by the mechanism already incorporated into the approved resolution plan. The applicants were therefore relegated to the treatment envisaged under that exit framework rather than being permitted to re-enter the insolvency process after its critical stages had concluded.

The decision highlights an emerging trend in large real estate insolvencies: approved resolution plans are increasingly being designed to address multiple categories of homebuyers, including those who remain outside the formal claims process. As a result, the

7.Ramesh Radia v. ICICI Bank Ltd., I.A. No. 709/2025 in C.P. (IB) No. 330/ALD/2018 (NCLT Allahabad Bench Mar. 17, 2026) practical consequences of failing to participate in CIRP may no longer be limited to exclusion from voting rights or creditor meetings. Such homebuyers may instead find their rights governed entirely by specialised mechanisms contained in the resolution plan itself.

From the perspective of this newsletter, Ramesh Radia is significant because it demonstrates that the resolution plan is becoming the primary instrument through which competing homebuyer interests are managed. The case is not concerned with voting rights, creditor priorities or development authority claims. Rather, it illustrates how modern real estate resolution plans increasingly determine the future rights of even those homebuyers who remain outside the formal insolvency process. In that sense, the decision reflects a broader shift towards resolution-plan-centric governance, where the practical outcome for stakeholders depends not merely on statutory rights under the IBC but also on the specific architecture of the approved plan itself.

FINDINGS: EMERGING THEMES FROM RECENT REAL ESTATE INSOLVENCY JURISPRUDENCE

- **The Centre of Control in Real Estate Insolvencies Is Expanding Beyond the Committee of Creditors**

A recurring theme across the recent decisions is that control over a distressed real estate project can no longer be understood solely through the lens of the Committee of Creditors. While the CoC continues to occupy a central position under the IBC framework, the practical success of a real estate resolution increasingly depends upon stakeholders who operate outside the voting structure of the insolvency process.

The Supreme Court's decision in *Alpha Corp* demonstrates that development authorities continue to exercise substantial influence through their control over project land, leasehold rights and regulatory permissions. Similarly, *AVJ Heightss* illustrates that even after creditors have approved a resolution plan, implementation may remain dependent upon institutional processes beyond the control of the CoC. These decisions suggest that voting power alone does not necessarily translate into practical control over a project's future.

- **Homebuyers Have Moved from the Margins of the Process to Its Centre**

The recent cases reveal a significant shift in the role played by homebuyers within real estate insolvencies. Earlier jurisprudence focused primarily on ensuring that homebuyers were recognised and represented within the insolvency process. The recent decisions indicate that the debate has evolved considerably.

In *Angelwoods*, the successful resolution applicant was itself a homebuyers' association. In Jaiprakash Associates, homebuyers participated through authorised representatives and were specifically consulted during the resolution process. These developments demonstrate that homebuyers are no longer viewed merely as beneficiaries of the outcome. They have increasingly become stakeholders whose participation directly influences the design and implementation of resolution strategies.

- **Recognition Does Not Necessarily Translate into Influence**

Although homebuyers today enjoy statutory recognition as financial creditors, the recent jurisprudence demonstrates that legal status and practical influence are not always synonymous.

The *Jaiprakash Associates* resolution process provides perhaps the clearest illustration of this reality. Despite the presence of homebuyers within the CoC structure, institutional lenders continued to exercise overwhelming voting control. Similarly, *Riverbank Developers* demonstrates that voting strength itself may depend upon how claims are admitted and quantified during the CIRP. The result is that influence within a real estate insolvency may often be determined by voting share calculations, claim valuation methodologies and debt composition rather than stakeholder status alone.

- **Courts Are Increasingly Prioritising Finality and Implementation**

Another striking feature of the recent decisions is the emphasis placed on certainty and implementation after a resolution plan has been approved.

In *Angelwoods*, the Supreme Court refused to permit a procedurally defective appeal to reopen an approved resolution process. In *Sanjeev Sangal*, the NCLAT prevented a successful resolution applicant from revisiting claims that had already been admitted during the CIRP. In *Ramesh Radia*, the Tribunal declined to permit a homebuyer to circumvent the framework established under the approved resolution plan. Collectively, these decisions indicate a growing judicial reluctance to allow stakeholders to reopen issues that have already been settled during the insolvency process.

- **The Resolution Plan Is Emerging as the Real Centre of Gravity in Real Estate CIRPs**

Perhaps the most significant development emerging from the recent jurisprudence is the increasing importance of the resolution plan itself.

Several of the decisions ultimately turn on the rights, obligations and mechanisms contained within approved resolution plans. Whether dealing with implementation disputes, treatment of homebuyers, claim verification issues or exit mechanisms, courts are increasingly directing stakeholders back to the framework established under the plan rather than creating parallel remedies outside it.

The resolution plan is therefore evolving from a document that merely records a commercial settlement into the principal instrument through which stakeholder rights are governed after completion of the CIRP.

CONCLUSION

The recent decisions reveal that the search for a single controlling stakeholder in a distressed real estate project may itself be misguided.

The conventional insolvency framework assumes that commercial decisions are driven by the Committee of Creditors. However, the jurisprudence emerging in 2026 demonstrates that real estate insolvencies rarely operate in such a linear manner. Alpha Corp shows that development authorities may significantly influence project revival through their control over land and development rights. Jaiprakash Associates demonstrates that financial creditors continue to dominate commercial decision-making through voting power. At the same time, Angelwoods illustrates that organised groups of homebuyers are increasingly capable of shaping the direction of the resolution process itself. The result is a model in which influence is distributed across multiple stakeholders, each controlling a different aspect of the project.

More importantly, the recent cases suggest that the principal challenges confronting real estate insolvencies are no longer questions of stakeholder recognition. None of the decisions examined in this article turned on whether homebuyers should be treated as financial creditors or whether they should participate in the insolvency process. Instead, the disputes arose at a later stage. The courts were required to address issues concerning implementation of approved plans, treatment of admitted claims, post-approval obligations, delayed adjudication and the consequences of failing to participate in the resolution process. This marks a noticeable shift in the evolution of real estate insolvency jurisprudence.

Perhaps the most significant development emerging from the recent decisions is the growing importance of the resolution plan itself. Whether dealing with homebuyers who failed to file claims, successful resolution applicants attempting to revisit admitted liabilities or stakeholders seeking relief outside the insolvency process, the courts repeatedly treated the approved resolution plan as the primary framework governing stakeholder rights. The message emerging from the jurisprudence is clear: once the resolution process reaches its conclusion, stakeholder rights must increasingly be worked out within the architecture of the approved plan rather than through parallel proceedings.

Viewed collectively, the decisions suggest that the future of real estate insolvency litigation is likely to focus less on questions of entitlement and more on questions of execution. The success of a CIRP will not be determined merely by the approval of a resolution plan or by the distribution of voting rights within the CoC. It will ultimately be measured by whether the insolvency process succeeds in converting a stalled project into a functioning one. In that respect, the most important stakeholder in a real estate insolvency may not be the one with the greatest voting power, but the one capable of ensuring that the project is finally completed.

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ANM Global is pleased to have represented Applause Entertainment Private Limited, successfully advising on the transaction, including structuring, negotiation and finalisation of the S&P and revenue agreements for the series.

ANM Global is pleased to have represented RTake Studios Private Limited, successfully advising on the transaction, including drafting, negotiation and execution of the agreements for the production and exploitation/distribution of the film.

FIRM HIGHLIGHTS

ANM Global secures recognition across multiple categories in the Benchmark Litigation Rankings 2026.

The firm has been ranked for its strength across key practice areas, including:
Commercial & Transactions
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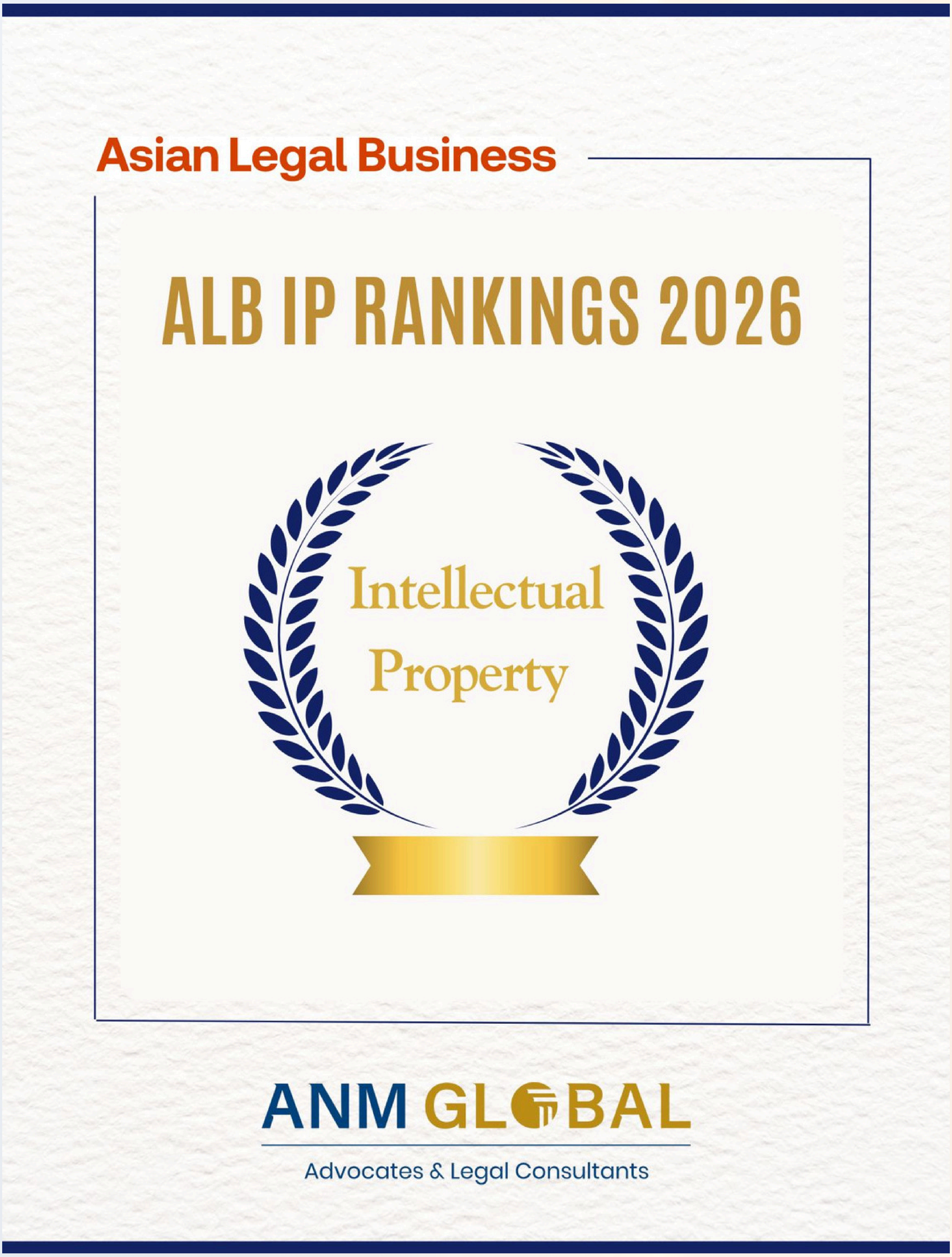
Also recognised as a *Recommended Firm* in Mumbai, reflecting its strong presence in one of India's most competitive legal markets.

On the individual front, the firm's lawyers have also received notable recognition:

Mr. Nidhish Mehrotra – Litigation Star (Intellectual Property)
Ms. Anushree Rauta – Litigation Star (Intellectual Property)
Mr. Rahul Dhote – Litigation Star (Intellectual Property)

These recognitions are a testament to the firm's continued commitment to excellence and the trust reposed by its clients.

FIRM HIGHLIGHTS



ANM Global has been ranked in the Asian Legal Business IP Rankings 2026.

This recognition reflects the firm’s continued focus on delivering high-quality, strategic advice across intellectual property matters, and reinforces our growing presence in this space.

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