



# INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

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## IBC Case Law Capsule

Number 276

(May 18, 2026)



**Alpha Corp Development Pvt. Ltd. vs. Greater Noida Industrial Development Authority & Ors.**  
Civil Appeal No. 1526 of 2023

Date of Supreme Court's Judgement: 05<sup>th</sup> May 2026

### Facts of the Case: -

The appeals arose from CIRP proceedings initiated against Earth Infrastructures Limited (“EIL”), a real-estate developer executing multiple housing and commercial projects on lands leased by Greater Noida Industrial Development Authority (“GNIDA”) to EIL’s subsidiary companies. Resolution plans submitted by Roma Unicon Designex Consortium and Alpha Corp Development Pvt. Ltd., were approved by the CoC and NCLT. GNIDA challenged the approvals before the NCLAT, contending that the leased lands belonged to EIL’s subsidiaries and could not form part of EIL’s CIRP or be transferred without GNIDA’s prior consent under the lease deeds. Homebuyers’ associations, on the other hand, highlighted that the projects had stalled since 2016 and alleged that GNIDA had failed to take timely action despite repeated complaints and meetings.

The NCLAT held that assets of subsidiary companies could not be treated as assets of the corporate debtor and that the resolution plans could not deal with the leasehold lands without GNIDA’s approval. It also observed that GNIDA had been negligent in monitoring the projects and enforcing lease conditions, and accordingly directed waiver of penal interest, recalculation of dues, and initiation of a fresh resolution process. Aggrieved by these findings and directions, GNIDA, homebuyers’ associations, and other stakeholders approached the Supreme Court through the present batch of appeals.

### Supreme Court’s Observations:

The Supreme Court disagreed with the NCLAT’s narrow approach regarding the assets and leasehold rights connected with the projects undertaken by EIL. The Court observed that EIL’s subsidiary companies were wholly controlled entities created only for holding leasehold lands and executing EIL’s projects. Piercing the corporate veil, the Court held that the projects, development rights, and leasehold interests were intrinsically connected with EIL and could not be artificially segregated from the CIRP merely because the lands stood leased in the names of subsidiary companies. The Court noted that EIL itself had undertaken construction, obtained approvals, interacted with authorities, and dealt with homebuyers, thereby demonstrating complete functional and commercial unity between EIL and its subsidiaries.

The Court also strongly criticized GNIDA for its prolonged inaction and inconsistent conduct. It found that GNIDA had failed to monitor the projects, enforce lease conditions, or timely assert its claims despite being aware of persistent defaults and stalled construction for several years. Emphasizing the interests of homebuyers who had invested substantial sums and awaited possession for years, the Court upheld the broader objective of ensuring project completion and balanced resolution.

**Order/Judgement:** In view of the facts and circumstances highlighted above, the batch of appeals was disposed of with directions aimed at completion of the projects and protection of homebuyers’ interests.