

RATTAN PARKASH BHALLA Vs. JASWANT RAI BHALLA  
CNR No. DLWT01-000130-2011

25.05.2023

Present: Sh. Mohit Gupta, ld. Counsel for the plaintiff.  
Sh. Sushil Kumar, ld. Proxy counsel for Shalini Gandharva, ld.  
Counsel for for L.Rs of defendant no. 1 & 3.  
Sh. Anup Kundra, ld. Counsel for defendant no. 2 (A).

On the last date of hearing a Local Commissioner was appointed at the request of the parties so as to carry out public auction of the suit property. However, ld. Counsel appearing for L.Rs of D1 & D-3 had made a request that he be granted an opportunity to find a buyer who would be willing to pay the market price of the suit property. None of the parties objected to the request and consequently, ld. Local Commissioner was directed to initiate the process for public auction but keeping in view the request of ld. Counsel for LRs of D-1 & D-3.

Today, ld. Counsel for the plaintiff has informed the Court that no one has approached the plaintiff on behalf of L.Rs of D1 & D-3 for the purpose of buying the suit property. Request has thus been made to proceed further with the public auction, as directed on the last date.

Ld. Counsel for the plaintiff has placed on record a copy of the order dated 08.01.2019 passed by the Hon'ble High Court in Execution Petition No.97/2017 with a submission that terms and conditions of the proposed auction, similar to those mentioned in the order passed by the Hon'ble High Court, are required to be passed in this case as well.

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There is a further request to enhance the fee of the ld. Local Commissioner from Rs. 50,000/- to Rs.1 lac. There is some disagreement to the proposed enhancement on behalf of L.Rs of defendant no. 1 & 3 and D-2(B1) and (B2). The said aspect will be taken up on the next date of hearing. In the meanwhile, valuation of the suit property be called from the concerned SDM. There is no need to file P.F. Once the valuation is received from the concerned SDM, the Court Commissioner will fix the reserve price and advertise in Local Newspaper for inviting the bids by way of public auction. Needless to say that all the expenses of the public auction shall be borne by the parties in equal share.

Further the terms and condition of the bidding of the auction will be as follows:

1. That the property in question will be sold by inviting sealed bids on “AS IS WHERE IS AND WHATEVER THERE is BASIS”.
2. That the intending purchaser will be allowed inspection of the property in order to verify its area and present conditions etc.
3. That before submitting their bids, bidders should satisfy themselves about the area, title and other related issues of the property in question and later on, **no** objection of any kind in this regard shall be entertained.
4. That the bids unaccompanied with a Demand Draft/Pay Order for the amount of earnest money being 5% of the reserve bid amount in favour of the ADJ-02, West, Delhi shall **not** be accepted/considered.
5. That incomplete offers and/or offers containing terms and conditions of any kind are liable to be rejected. The sale will be subject to confirmation by the Court Commissioner appointed by the Court of ADJ-02, West, Delhi

6. That the sealed bids will be opened before the Court Commissioner at his office, in the presence of bidders who may like to be present there at that time. The bidders will be given a chance to bid amongst themselves in order to improve upon their offers.

7. That the bidders whose bid is accepted shall have to deposit with the Court Commissioner vide pay order drawn in favour of ADJ-02, West Delhi a sum of 25% ( including earnest money) of the bid amount by pay order/demand draft within seven days from the date of acceptance of bid failing which the entire earnest money shall stand forfeited. The balance of bid amount shall be paid within 60 days from the date of acceptance of the bid failing which the entire money deposited by bidders shall stand forfeited.

8. That the Court of ADJ-02, West reserves that right to withdraw the sale and decline to accept any offer including the highest offer without assigning any reason thereof. The sale will be confirmed by the ADJ-02 only after the entire sale consideration has been deposited by the successful bidder. Thereafter the successful bidder will be put in possession of the property.

9. That the purchaser will thereafter submit draft SALE DEED and other necessary documents to the Court Commissioner for settlement. The sale deed will be registered by the Court Commissioner.

10. That the cost of stamp duty, registration/transfer and all types of other dues and charges levied by any authority relating to transfer of property shall be borne by the purchaser.

11. The outstanding dues of electricity, water plus tax dues for the property upto the date that the highest bidder is put in possession, shall be to the account of the parties.

12. That after the submission of the tender, the bidder will not be permitted to withdraw the offer until the sale is finalized. In case of withdrawal from the sale, the entire earnest money shall stand forfeited.

13. That the earnest money deposited by the unsuccessful bidders shall be returned to them by the Court Commissioner without any interest. However, the earnest money deposited by the 2<sup>nd</sup> highest bidder shall be refunded only after the 25% of the tender/bid amount (including earnest money) is deposited by the highest bidder.

14. That in case the successful bidder makes any default in depositing the sale amount with the Court Commissioner, the 2<sup>nd</sup> highest bidder may be offered by the Court Commissioner to deposit the amount of his offer. If he fails to deposit the amount within the time, as may be allowed, his earnest money shall also be forfeited.

Put up on 02.09.2023 for further proceedings.

(Ajay Gulati-I)  
ADJ-02, WEST  
25.05.2023