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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 372/2022**

**SATYAM KANOI & ANR.**

..... Plaintiffs

Through: Mr. Rajiv Nayar, Senior Advocate  
and Mr. Raj Shekhar Rao, Senior  
Advocate with Mr. Kartik Nayar, Mr.  
Sourbh Seth and Mr. Rishab Kumar,  
Advocates for plaintiffs and D-4

versus

**SHIV JATIA & ORS.**

..... Defendants

Through: Mr. Karan Bharioke with Ms. Manyaa  
Chandok, Mr. Sidhant Kumar, Ms.  
Vidhi Udayshankar and Dr. Joginder  
Singh, Advocates for D-1 & 2.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

% **17.10.2022**

**I.A. 16966/2022(for clarification of order dated 13.10.2022)**

1. The present application has been filed on behalf of the plaintiffs seeking clarification of the order dated 13<sup>th</sup> October, 2022 passed by this Court.
2. Issue notice.
3. Notice is accepted by the counsels appearing on behalf of the defendants no.1 and 2.
4. After hearing submissions, it is clarified that the direction contained in paragraph 6 (II) of the order dated 13<sup>th</sup> October, 2022, directing the



plaintiffs to provide access to the financial records of the Trust as well as of the school to the representatives of the defendants shall only be in respect of the Financial Years 2020-21 and 2021-22.

5. Senior counsel for the plaintiffs presses that a Local Commissioner be appointed to oversee the process of inspection being carried out by the representatives of the defendants in terms of the order passed by this Court on 13<sup>th</sup> October, 2022. Accordingly, Mr. Shivendra Kundra, Advocate (Mobile No.9810066128) is appointed as the Local Commissioner. The following directions are passed in this regard:

- I. The inspection of the financial records of the Trust as well as of the school for the Financial Years 2020-21 and 2021-22 shall be done at the school premises in the presence of the Local Commissioner.
- II. The inspection shall be in respect of documents for the purposes of finalising the financial statements and tax audit report and for filing of the income tax returns of the defendant no.4. In case of any dispute between the representatives of the plaintiffs and defendants with regard to relevancy of documents during inspection, the Local Commissioner shall have the discretion to decide.
- III. The Local Commissioner shall fix the time period for carrying out the inspection on 18<sup>th</sup> October, 2022 and 19<sup>th</sup> October, 2022, in consultation with the representatives of the plaintiffs and the defendants.
- IV. In the event a request is made on behalf of the defendants for supplying photocopies of certain documents, the plaintiffs shall supply the same, subject to the discretion exercised by the Local Commissioner.



- V. The fees of the Local Commissioner is fixed at Rs.4,00,000/- plus out of pocket expenses to be borne by the plaintiffs. The plaintiffs shall make necessary travel and accommodation arrangements for the Local Commissioner.
- VI. The Local Commissioner shall file his Report on or before 28<sup>th</sup> October, 2022, with a copy to the counsels for the plaintiffs and the defendants.
6. A copy of this order and the order dated 13<sup>th</sup> October, 2022 be sent to the Local Commissioner today itself.
7. The order dated 13<sup>th</sup> October, 2022 incorrectly records the name of the plaintiff in the cause title. The name of the plaintiff in the cause title of the order dated 13<sup>th</sup> October, 2022 shall be read as 'Satyam Kanoi'.
8. The copy of this order may be given to the counsels for the parties *dasti* under the signatures of the Court Master.
9. The application stands disposed of accordingly.

**AMIT BANSAL, J.**

**OCTOBER 17, 2022**  
*at*