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

+ O.M.P.(EFA)(COMM.) 2/2020 & EX.APPL.(OS) 1609/2023

COLLMAN ASIA PTE LIMITED ..... Decree Holder  
Through: Mr. Vinam Gupta & Mr. Aamir  
Siraj, Advocates.

versus

STABILIG INFRA PTE LIMITED & ANR..... Judgement Debtors  
Through: Mr. Pawanjit Singh Bindra, Senior  
Advocate with Mr. Asutosh Lohia,  
Ms. Shraddha Bhargava, Mr.  
Gaurav Anand, Advocates with  
JD-2 in Person.

**CORAM:**  
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**  
**12.02.2024**

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**EX.APPL.(OS) 226/2024** (*application on behalf of the decree-holder for directions*)

1. By an order dated 14.12.2023, valuers were appointed, with the consent of learned counsel for the parties, for valuation of the land, building, plant and machinery of the asset which was to be sold by virtue of the order dated 10.05.2023 [*Khasra No. 392/2/1 and 392/2/2 situated at Village Palukalan, Tehsil Dudu Mauzamabad, District Jaipur (Rajasthan)*].
2. The decree-holder has filed this application for permission to the



court auctioneer to proceed with the auction based on the valuation reports available with him, on the ground that the judgment debtor is not cooperating in the process. Copies of the emails exchanged between the valuers and the judgment debtor have also been placed on record. It is clear therefrom that the judgment debtors have not yet enabled the valuers to conduct site visit of the property.

3. Mr. Pawanjit Singh Bindra, learned Senior Counsel for the judgment debtors, states that there was a dacoity in the plant of the judgment debtor on 23.12.2023/ 24.12.2023, in which the manager and guards were injured. Mr. Bindra asserts it was not possible to access the property due to police investigation. The judgment debtors will place on record documents in support of this contention, and also demonstrate any communication between them and police authorities by which they have sought access to the property to comply with the orders of this Court.

4. As it stands, I am unable to accept, despite the unfortunate incident of 23.12.2023/ 24.12.2023, that the judgment debtor was not in a position to take steps towards valuation of the property for the last six weeks, which have lapsed thereafter. It appears, *prima facie*, that the judgment debtors are not cooperating with the valuers or taking steps to ensure that the Court's orders are implemented. In the affidavit to be filed by them, the judgement debtors will show cause as to why action in contempt not be taken against them, and why the property in question not be placed under a receiver so that the valuation and auction can be conducted without any impediment placed by them.

5. Affidavit be filed within two weeks from today. Managing Director of the judgment debtor to remain personally present in Court on the next



date of hearing.

6. In the meanwhile, the judgment debtor is directed to ensure that the valuers are given access to the property on such date fixed by them, within two weeks from today, for which they will give 48 hours' notice to the parties, through counsel. This will be without prejudice to the rights and contentions of the decree-holder in this application.

7. List on 22.03.2024.

8. A copy of the order be given *dasti* under the signature of the Court Master.

**PRATEEK JALAN, J**

**FEBRUARY 12, 2024**

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