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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 17/2016**

MR VIVAN SOMDUTT & ANR

.....Decree Holders

Through: Mr. Munindra Dvivedi, Ms. Divya Bhalla and Mr. Abhishek Chauhan, Advocates for DH-1.

Mr. B.B. Gupta, Senior Advocate with Ms. Meghna Mishra, Mr. Achal Gupta, Mr. Ankit Rajgarhia, Ms. Yashodhara Gupta and Mr. Karan Jain, Advocates DH-2.

Mr. Samar Bansal, Mr. Vipul Kumar, Mr. Bhargav R. Thali and Mr. Pranav Garg, Advocates for EX.APPL.(OS) 1968/2024.

Mr. Ashok Chhabra, Mr. Om Prakash and Ms. Kanishka Lunia, Advocates for Auction Purchaser.
versus

MR ARJUN SOMDUTT & ANR

.....Judgement Debtors

Through: Mr. Inderbir Singh Alag, Senior Advocate with Mr. Keshav Kumar, Advocate for JD-1.

Mr. Danish Aftab Chowdhury, Advocate for JD-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 09.04.2025

EX.APPL.(OS) 570/2025

1. This application is preferred on behalf of Judgment Debtor No. 1 for a direction to disburse the funds coming to the share of the applicant as also for extension of time to vacate the suit premises.
2. Mr. B.B. Gupta, learned Senior Counsel for Decree Holder No. 2/Smt. Roop Talwar hands over a copy of calculation sheet reflecting the amounts that are to be released in favour of different parties, with advance copy to the



other parties. The calculation sheet is taken on record. While working out the amounts to be released in favour of different parties, the parameters that have been taken into account are: (a) shares in the property; (b) sale consideration less TDS deposited; (c) balance deposited in Court less deposit of Rs. 15 crores; (d) excess amount paid on account of Vivaan Som Dutt to be returned by him to the others less money receipt from Court; (e) expenses incurred on first auction conducted on 08.01.2024; (f) expenses incurred on second auction conducted on 17.08.2024; and (g) expenses incurred on third auction conducted on 10.02.2025. All parties agree to the calculations reflected in the sheet and submit that they have no objection to the release of the amounts, without prejudice to their rights and contentions in the petition as also to receive further amounts towards interest etc. For ease of reference, the calculations are extracted hereunder: -

Particulars	Total (Rs.)	Arjun Som Dutt (Rs.)	Vivaan Som Dutt (Rs.)	Pritha Son Dutt (Rs.)	Roop Talwar (Rs.)	Remarks
Share in property		18.75%	37.50%	18.75%	25%	
Sale consideration	67,00,00,000.000	12,56,25,000.000	25,12,50,000.000	12,56,25,000.000	16,75,00,000.000	
Less: TDS deposited	3,00,83,000.000	12,56,250.000	25,12,500.000	12,56,250.000	2,50,58,000.000	
Balance finally deposited in Court	63,99,17,000.000	12,43,68,750.000	24,87,37,500.000	12,43,68,750.000	14,24,42,000.000	
Less: Deposit of Rs. 15 crore	15,00,00,000.000	2,81,25,000.000	5,62,50,000.000	2,81,25,000.000	3,75,00,000.000	As per order dated 18.11.2015 in CS(OS) 3316/2015



Balance	48,99,17,000.000	9,62,43,750.000	19,24,87,500.000	9,62,43,750.000	10,49,42,000.000	
Excess amount paid on account of Vivan Som Dutt to be returned by him to others	2,66,34,733.360	1,26,61,317.360	-2,66,34,733.360	84,00,000.000	55,73,416.000	As per order dated 18.11.2024 in Ex.Pet. 61/2018
Less received from Court	31,13,677.00	-14,80,242.050	31,13,677.00	-9,82,053.720	-6,51,381.230	As per orders dated 04.12.2023 corrected on 01.05.2024 in Ex. Pet. 61/2018
Balance		10,74,24,825.310	16,89,66,443.640	10,36,61,696.280	10,98,64,034.770	
Expenses incurred in first auction (on 08.01.2024)	11,83,807.920	-11,83,807.920	-	-	11,83,807.920	As per order dated 15.3.24 in Ex.Pet. 17/2016
Expenses incurred in second auction (on 17.08.2024)	5,96,060.000	-5,96,060.00	-	-	5,96,060.000	As per order of 29.4.2024 in Ex. Pet.17/2016
Expenses incurred in third auction on 10.02.2025	1,26,851.000	-23,784.563	-47,569.125	-23,784.563	95,138.250	As per order of 14.08.2023 in Ex. Pet.17/2016
Total	48,99,17,000.000	10,56,21,172.828	16,89,18,874.515	10,36,37,911.718	11,17,39,040.940	



3. In light of the above and without entering into the merits of the disputes as also the respective rights of the parties to receive further amounts, if any, the learned Registrar General is directed to release the amounts aforementioned in favour of the respective parties, for which purpose the matter will be listed before the learned Registrar General on 16.04.2025.

4. Mr. Alag, learned Senior Counsel appearing on behalf of the applicant/Judgment Debtor No. 1, submits that the applicant is present in Court and he undertakes that on receipt of Rs. 10,56,21,172.828/-, falling to his share as per the calculation sheet, he shall remove all his goods and belongings from the suit premises within two weeks. Additionally, the applicant submits that the electricity dues of the suit premises as due and payable by him have been cleared and insofar as the house tax is concerned, whatever dues are outstanding, the same shall be paid within two weeks of receipt of the money from the Court.

5. Undertaking of the applicant is accepted and he has been explained the consequences of violating the undertaking given to the Court.

6. List before the learned Registrar General on 16.04.2025 for purpose of release of money in favour of the respective parties as per the calculation sheet extracted hereinabove.

7. Application stands disposed of in the aforesaid terms.

EX.P. 17/2016 & EX.APPL.(OS) 1637/2023, 544/2024, 1563/2024, 1595/2024, 1935/2024, 1936/2024, 1968/2024, 308/2025, 309/2025 and CCP(O) 10/2024

8. List before Court on 21.07.2025.

JYOTI SINGH, J

APRIL 9, 2025/s.Sharma