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

+ EX.P. 62/2021, EX.APPL.(OS)272/2023(U.O. 21 R. 37 r/w S. 55 & 151 CPC)

ANIL KUMAR LUTHRA & ANR. Decree Holders
Through: Mr. Anuj Kumar, Adv. with
decree holder in person.

versus

PARTIK ARORA & ORS. Judgement Debtors
Through: Mr. Sanjay Kr. Mishra, Adv.
for J.D. Nos. 4 and 5.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER
17.03.2023

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1. Pursuant to the last order passed, the judgment debtor nos. 4 and 5 have filed their Affidavit of Assets. The execution petition itself emanates from a judgment and decree dated 15 October 2019 which came to be rendered by this Court. In terms of that decree, a sum of Rs. 3.02 crores was to be paid by the judgment debtors jointly and severally along with interest @ 9% p.a.

2. Undisputedly, that decree has remained unsatisfied and till date no payments have been made. From the disclosures which are made by the judgment debtor no. 4, the Court notes that he is stated to be a director in Vaansa Hospitality and Infrastructure Private Limited, Vaniksha Hospitality and Infrastructure Private Limited and Planeta Infra LLP. He is also stated to hold 43% share in a resort situate at Village Aumgarhi, District Nainital, Uttarakhand through Vaniksha Hospitality and Infrastructure Private Limited. He is also stated to have 12.5% undivided share in a basement situate at D-2, Sardar Nagar, Delhi – 110007 spread over 4000 sq. ft.



3. The Affidavit of Assets filed by judgment debtor no. 4 discloses that judgment debtor no. 4 earns approximately Rs. 9 lakhs annually from employment/trade/profession. The Court notes that the Affidavit has failed to place on the record the Income Tax Returns that may have been filed by judgment debtor no. 4. Even though the details of certain bank account have been set out, the balance standing to the credit thereof has not been disclosed. The judgment debtor no. 4 also fails to disclose the nature of business which is carried on by Vaansa Hospitality and Infrastructure Private Limited and Vaniksha Hospitality and Infrastructure Private Limited together with Planeta infra. LLP.

4. Similar is the position which come to the fore when one peruses the Affidavit of Assets filed by judgment debtor no. 5. Judgment debtor no. 5 too is stated to be a director in the two companies and Planeta Infra. LLP noticed hereinabove. The said judgment debtor asserts that he earns approximately Rs. 8.5 lakhs annually from employment/trade/profession. Judgment debtor no. 5 is stated to hold 42% share in the resort, the details of which have been set forth hereinabove.

5. Insofar as judgment debtor nos. 1. 2 and 3 are concerned, all that they have chosen to do in these proceedings is the submission of a “no objection” in terms of which the said judgment debtors have averred that appropriate proceedings may be taken the sell the resort and liquidate the debts due and payable under the decree.

6. Bearing in mind the nature of disclosures which have been made by judgment debtor nos. 4 and 5, the Court firstly passes the following directions. Both the judgment debtors shall file a further Affidavit giving complete details of the business activities of Vaansa Hospitality and Infrastructure Private Limited and Vaniksha Hospitality and Infrastructure Private Limited. The Affidavit shall



also disclose the details of any ongoing projects that may be in the process of implementation by the aforesaid two companies and Planeta infra. LLP. They shall also place on the record all statutory returns that may have been submitted for the past three financial years in respect of the aforesaid three entities. The said judgment debtors shall also place on the record their Income Tax Returns for the past three financial years.

7. Since none has chosen to attend to these proceedings on behalf of judgment debtor nos. 1, 2 and 3, bailable warrants shall issue against the said judgment debtors who shall attend to these proceedings on the next date fixed.

8. In the meanwhile, the 42%+43% share in the resort which is held by judgment debtor nos. 4 and 5 shall stand attached. They shall also stand restrained from transferring or diluting their shareholding in the aforesaid resort till the next date of listing. Let an appropriate precept in terms of the directions framed above be issued. The execution petitioners/deGREE holders to proceed accordingly.

9. The judgment debtor nos. 1, 2 and 3 shall also file their Affidavits bearing in mind the format which stands prescribed in Order XXI Rule 41 of the Code of Civil Procedure, 1908.

10. Let the matter be called again on 21.07.2023.

YASHWANT VARMA, J.

MARCH 17, 2023

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