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

+ **O.M.P.(EFA)(COMM.) 8/2016 & EX.APPL.(OS) 410/2019**

LALIT M. BIJLANI & ORS.

..... Decree Holders

Through: Mr. Ankur Gupta, Advocate. [M:
9810724907]

versus

SUNIL DUTT AGGARWAL, & ANR.

..... Judgement Debtors

Through: Mr. Sanjay Goel & Ms. Samidha
Jain, Advocates with JD-1 in
Person.

Mr. Rishi Manchanda, Advocate
for Official Liquidator/R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.10.2022

1. The present proceedings are for enforcement of an arbitral award dated 15.03.2012. A consent award was passed against both the respondents. The award amounted to ₹19,88,70,936/-, out of which, Mr. Ankur Gupta, learned counsel for the award holders, states that the award holders have received only ₹2,87,000/- approximately.
2. The award is against two parties. The judgment debtor No. 2 is a company which is stated to have gone into liquidation. Mr. Rishi Manchanda, learned counsel, appears on behalf of the Official Liquidator appointed by the Bombay High Court and states that the award holders



may make their claims in the liquidation proceedings, which will be taken up at the appropriate stage, and decided in accordance with law. The award holders may do so without prejudice to their rights and contentions as far as enforcement of the award against the judgment debtor No. 1 are concerned.

3. The judgment debtor No.1 is present in Court and he has also filed affidavits of assets, lastly by way of an affidavit dated 18.12.2019. It appears therefrom that he is engaged in part-time courier delivery services, as are his family members.

4. According to the affidavit of assets, judgment debtor No.1 had several immovable assets, all of which appear to have been disposed of at some stage of the proceedings. As far as these properties are concerned, according to Mr. Sanjay Goel, learned counsel for the judgment debtor No. 1, they have been sold in satisfaction of various other debts of the judgment debtor No. 1 and no voluntary sales have been effected after the order of injunction passed by this Court on 21.11.2019. By way of example, affidavit of assets dated 18.12.2019 reveals that after the passing of the award, a flat in Media Village, Greater Noida, Uttar Pradesh, which was booked in the name of the judgment debtor No.1 was transferred to his daughter. Similarly, a property bearing A-187, Ground Floor, Sant Nagar, East of Kailash, New Delhi, was sold on 18.02.2014 for a sum of ₹15 lakhs and a property bearing No. B-5, Basement, Surya Kiran Building, KG Marg, New Delhi was released to the possession of judgment debtor No. 1 after satisfaction of dues of Yes Bank Ltd. to which it was mortgaged. It also appears that several vehicles were owned by judgment debtor No. 1, which he states that are no longer in his



possession. Several bank accounts have also been closed.

5. The affidavit of assets *prima facie* discloses that, despite entering into a consent award, and having substantial assets at the time of the award, the judgment debtor No. 1 has failed to honour the terms of the award.

6. The award holders have filed an application for detention of the judgment debtor No. 1 in civil prison [EX. APPL. (OS) No. 410/2019] which remains pending. The judgment debtor No. 1 is given an opportunity to respond to the said application within three weeks from today and to show cause as to why he should not be detained in civil prison.

7. List on 30.11.2022.

8. Judgment debtor No.1 is directed to remain present in Court on the next date of hearing.

PRATEEK JALAN, J

OCTOBER 6, 2022

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Click here to check corrigendum, if any