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

+ **CS(COMM) 850/2025 & I.A. 20098/2025, I.A. 20099/2025,
I.A. 20100/2025, I.A. 20101/2025**

**TIRUPATI INFRAPROJECTS
PRIVATE LIMITED & ANR.**

.....Plaintiffs

Through: Mr. Samrat Nigam, Senior Advocate
with Mr. Karan Gandhi, Mr. Lakshay
Dhamija, Mr. Shikhar Tiwari & Ms.
Arpita Rawat, Advocates.

versus

GHP BUILDCON PRIVATE LIMITED & ANR.Defendants

Through:

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

ORDER

% **19.08.2025**

**I.A. 20099/2025 (seeking exemption from filing original/certified, typed,
translated and fair/ legible copies of documents)**

1. Allowed, subject to the plaintiffs filing originals/ certified/ typed/ translated/ legible copies of the documents within four (4) weeks from today.
2. The plaintiffs are exempted from filing originals at this stage.
3. The application stands disposed of.

I.A. 20100/2025 (u/s 12A of Commercial Courts Act, 2015)

4. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Krithi**, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution



mediation is granted.

5. The application stands disposed of.

I.A. 20101/2025 (under Section 80(2) of CPC)

6. The present application has been filed on behalf of the plaintiffs under Section 80(2) read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter 'CPC'), seeking exemption from advance service to the defendant no.2.

7. In view of the urgent relief sought, exemption is granted to the plaintiffs from serving the requisite notice to the defendant no.2 under Section 80(2) of CPC.

8. The application stands disposed of.

CS(COMM) 850/2025

9. Let the plaint be registered as a suit.

10. Issue summons.

11. Summons be issued to the defendants through all permissible modes.

12. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

13. Liberty is given to the plaintiffs to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit(s) of admission/denial of the documents of the defendants be filed by the plaintiffs.

14. The parties shall file all original documents in support of their



respective claims along with their respective pleadings. In case parties are placing reliance on a document which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

15. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

16. List before the Joint Registrar on 16th October, 2025, for completion of service and pleadings.

17. List before the Court on 29th January, 2026.

I.A. 20098/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

18. The present suit has been filed seeking injunction, possession, declaration as well as cancellation of the registered sale deed dated 22nd April 2015.

19. The present suit has been filed on behalf of the plaintiff no.1 company, through its Resolution Professional, appointed *vide* order dated 20th December, 2023, in the Corporate Insolvency Resolution Process (hereinafter 'CIRP') proceedings going on against the plaintiff no.1/ corporate debtor, before the National Company Law Tribunal (hereinafter 'NCLT').

20. The plaintiff no.2 is the Bank of India, the lead bank for the Consortium of Lenders of the Corporate Debtor, having charge over the property of the corporate debtor, *i.e. Hotel Radisson, D Mall, Paschim Vihar, New Delhi*, including the 5th Floor of the Hotel.

21. It is the case of the plaintiffs that unit no. 517, 519 and 521 situated on the 5th floor of the said Hotel (hereinafter 'suit property') were unlawfully sold *vide* registered sale deed dated 22nd April, 2015 by the corporate debtor



in favour of the defendant no. 1 for a sale consideration of Rs. 4.08 crores.

22. It is stated that the sale consideration of Rs. 4.08 crores was never received by the corporate debtor.

23. It is the case of the plaintiffs that despite an equitable mortgage being created over the suit property in favour of the Consortium of Banks led by the plaintiff no.2 in 2009, the aforesaid sale deed was executed by the corporate debtor in favour of the defendant no.1 on 22nd April, 2015.

24. It is stated that the plaintiffs came to know about the aforesaid sale deed in the CIRP proceedings on 30th June, 2023.

25. By the order passed by the NCLT on 14th November, 2024, liberty was given to the plaintiff no.1 to take steps to obtain possession of the suit property in accordance with law.

26. None appears on behalf of the defendant no.1 despite advance service.

27. Issue Notice.

28. Notice be issued to the defendants through all permissible modes.

29. Reply(ies), if any, be filed within four (4) weeks.

30. Rejoinder(s), thereto, be filed within two (2) weeks thereafter.

31. Based on the aforesaid narration of facts, a *prima facie* case has been made out in favour of the plaintiffs. Balance of convenience also lies in favour of the plaintiffs and irreparable injury would be caused to the plaintiffs if any third-party interest is created in the suit property.

32. In view thereof, defendant no. 1 is restrained from creating any third-party rights, interest and title in respect of the suit property, till the next date of hearing.

33. Compliance under Order XXXIX Rule 3 of CPC shall be done within three (3) days from today.



34. List before the Joint Registrar on 16th October, 2025, for completion of service and pleadings.
35. List before the Court on 29th January, 2026.

AMIT BANSAL, J

AUGUST 19, 2025
at