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

+ O.M.P.(EFA)(COMM.) 4/2024 and EX. APPLs.(OS) 93/2024,
325/2024, 338/2024, 339/2024, 536/2024, 769/2024, 770/2024

UNIC MEMORY TECHNOLOGY HONG KONG LIMITED

.....Decree Holder

Through: Mr. Jayant Mehta, Sr. Adv. along with
Ms. Saman Ahsan, Ms. Srijata
Majumdar, Mr. Rahul Sangwan and
Mr. Yashwant Gaggar, Advs.

versus

HARI OM RAI & ORS.

.....Judgement Debtors

Through: Mr. Jeevesh Nagrath and Mr. Abhay
Raj Varma, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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11.11.2024

1. The judgment debtor nos. 1 to 4 are directed to file a fresh affidavit of assets under Order XXI Rule 41(2) Code of Civil Procedure, 1908 as per Form 16A in Appendix E, clearly setting out the list of all their movable and immovable assets as on:

- (i) the date of initiation of arbitration i.e. 22.08.2019;
- (ii) the date on which the arbitral award was issued i.e. 08.09.2021;
and
- (iii) as on the current date.

2. The affidavit shall also disclose the list of bank accounts and the bank balance, in each of the said accounts, as on the aforesaid dates. Let the said affidavit be filed within a period of three weeks from today.

3. Let the judgment debtor nos.2 to 4 remain personally present in Court on



the next date of hearing.

4. *Vide order dated 13.05.2024, it was, inter-alia, directed as under:*

“In the meanwhile, judgment-debtor No.5 will disclose the details of “non-current investment assets” which are stated to be to the tune of Rs. 425 crores.”

5. As to the details of the said “non-current investment assets”, learned counsel for judgment debtor no.5 submits that these assets are particularized in the financial statement of judgment debtor no.5 for the financial year ended 31.03.2022. The same is as under:

Investment Subsidiaries in and associate	As at 31 March 2022 No of Units	2022 Amount	As at 31 March 2021 No of Units	Amount
<i>Unquoted equity investments fully paid-up</i>				
Investments in equity instruments of subsidiaries (at cost)				
Equity share of 1 HKD each fully paid up of Lava International (H.K.) Limited	10,000,000	57.48	10,000,000	57.48
Equity share of 1 HKD each fully paid up of Xolo International (H.K.) Limited	100,000	0.83	100,000	0.83
Equity shares of Rs. 10 each fully paid up of Lava Enterprises Limited	5,200,000	52.00	5,200,000	52.00
Equity Share of 1000 USD each fully paid up of China Bird Centroamerica, S.A. (refer note 10)	15,000	3,716.14	-	-
Equity shares of Rs. 10 each fully paid up of Sojo Manufacturing Services Private Limited	2,219,000	22.19	2,219,000	22.19
Equity shares of Rs. 10 each fully paid up of Sojo Manufacturing Services (A.P.) Private Limited	3,959,000	39.59	3,959,000	39.59
Equity shares of Rs. 10 each fully paid up of Sojo Distribution Private Limited	9,000	0.09	9,000	0.09
Equity shares of 1000 AED each fully paid up of Lava Technologies DMCC	18,350	339.41	18,350	339.41



Equity shares of 0.0001 USD each fully paid up of Lava Technologies L.L.C.	4,000,000,000	28.79	4,000,000,000	28.79
Investments in equity instruments of associate (at amortised cost)				
Equity share of Rs. 10 of Magic Tel Solutions Private Limited	2,500	0.03	2,500	0.03
		4,256.55		540.41

6. The shares owned by the judgment debtor no.5, in each of the companies referred to in the aforesaid chart, are hereby attached.

7. The judgment debtor no.5 is also directed to place on record the dividend received by it, in respect of its shareholding in each of these companies, in the last five years.

8. Let the judgment debtor no.5 also file a fresh affidavit of assets, also placing on record the particulars of the aforesaid shares (including distinctive numbers etc.) and also disclosing whether the said shares are held in physical form or in dematerialized form. Let the said affidavit be filed within a period of three weeks from today.

9. The judgment debtor nos.1 to 4 are restrained from creating any third party rights or disrupting the status quo in respect of any of their immovable assets. If any of the said assets are encumbered, the details of the encumbrances be also disclosed in the aforesaid affidavit directed to be filed by them.

10. List on 12.12.2024.

SACHIN DATTA, J

NOVEMBER 11, 2024/cl