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

+ EX.P. 275/2012

+ EX.P. 276/2012

M/S BHANDARI ENGINEERS & BUILDERS PVT LTD

..... Decree Holder

Through Mr.S.S. Jauhar, Adv.

versus

M/S MAHARIA RAJ JOINT VENTURE & ORS

..... Judgement Debtors

M/S YOU ONE MAHARIA(JV) DELHI & ORS

..... Judgement Debtors

Through Mr.Sanjay Agnihotri and Mr.Rakesh
Sharma, Advs. along with Mr.B.K.
Verma and Mr.Raj Verma in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.03.2018**

This Court vide its order dated 11.01.2016 had directed inter-alia as under:

“14. Considering nature of the companies and their business relationship, the managing partners of the judgment debtor 1 and all directors of judgement debtors 2 and 3 are directed to file their personal affidavits setting out the following particulars: -

(i) All information and particulars with regard to their shareholding in judgment debtors 1, 3 and 4, their involvement in the affairs of said judgment debtors and the nature of steps taken by them with regard to the management of the judgment debtors 1, 3 and 4;



- (ii) The Profit & Loss Account and the Balance Sheets of judgment debtors 1, 3 and 4 for the last three years;*
- (iii) The list of all the bank accounts of judgment debtors 1, 3 and 4;*
- (iv) The names and residential addresses of the Directors of judgment debtors 1, 3 and 4 along with their PAN numbers and DIN numbers, as well as complete particulars of all moveable and immovable assets held in their personal names and the dates of their acquisition, and the nature of the right, title and interest therein;*
- (v) The address of the Registered Office and the Corporate or branch offices, if any, of judgment debtors 1, 3 and 4;*
- (vi) The location of the statutory records and books of account of judgment debtors 1, 3 and 4;*
- (vii) The list of immovable assets, land and building etc. of judgment debtors 1, 3 and 4 as on the date of the award;*
- (viii) The list of immovable assets, land and building of judgment debtors 1, 3 and 4 as on the date of filing the affidavit;*
- (ix) The list of the movable assets of judgment debtors 1, 3 and 4, their location and value;*
- (x) The details of the debtors and creditors of judgment debtors 1, 3 and 4 with their complete addresses; and*
- (xi) The details of workmen/employees and any amount outstanding to them.*
- (xii) Whether judgment debtors 1, 3 and 4 have assets/means to satisfy the Decree.”*

As far as the Judgment Debtor No.1 is concerned, this Court in its order dated 04.01.2012 passed in FAO(OS) 2/2012 had recorded that the Judgment Debtor No.1 was formed as a joint venture of Judgment Debtor No.3 i.e.M/s Maharia Re-surfacing & Construction Pvt. Ltd. and M/s Raj Associates, Construction Division.

Mr.Raj Kishore Verma and Mr.Brij Kishore Verma were/are the partners of M/s Raj Associates, Construction Division, therefore, in terms of



the order dated 11.01.2016 they should have filed their personal affidavits disclosing the assets as directed in the said order. Instead, they filed the affidavits in their capacity as directors of M/s Dwarka Projects Limited.

Learned counsel for Judgment Debtor No.4 submits that in the said affidavits they have already disclosed the list of movable and immovable assets held by them in their personal capacity. However, in my opinion, the same would still not be a complete compliance of the order dated 11.01.2016, as the affidavits are to be filed by them in form of 16A Appendix-E of the Code of Civil Procedure, 1908 in their personal capacity. As such affidavits have not been filed since 11.01.2016, I direct that the affidavits in form of 16A Appendix-E of the Code of Civil Procedure, 1908 shall be filed by Mr.Raj Kishore Verma and Mr.Brij Kishore Verma in their individual capacity disclosing their complete list of assets as on 10.01.2006 (date of Arbitral Award), as on 11.01.2016 and as on today. The said affidavits would be filed within a period of four weeks from today, failing which Mr.Raj Kishore Verma and Mr.Brij Kishore Verma to be personally present in the Court on the next date of hearing.

List on 23rd April, 2018.

NAVIN CHAWLA, J

MARCH 15, 2018/Arya