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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(EFA)(COMM.) 6/2016
DAIICHI SANKYO COMPANY, LIMITED Decree Holder
Through Mr. Shivam Pandey & Ms. Saloni
Agarwal, Advs.

versus

MALVINDER MOHAN SINGH AND ORS. Judgement Debtor
Through Ms. Suman Yadav, Mr. Aditya Sarin
& Mr. Shobhit Ahuja, Advs. for
JD-1,3,4&13 and proxy for JD
no.14&15
Ms. Udita Singh & Mr. Aaryan
Sharma, Advs. for JD no.16&17
Mr. Sujoy Kumar & Mr. Raghav
Kumar, Advs. for R-23&24 &
Garnishee No.43&44
Mr. Sumit K. Batra, Adv. for
Garnishee no.3
Mr. Manish Khurana, Adv. for
Garnishee no.9
Mr. Lakshay Larviya, Adv. for
Garnishee no.11
Mr. Aashish Gupta & Mr. Varun
Byreddy, Advs. for Garnishee
no.12,13,14 &20
Mr. Ritesh Khatri (Enrl.
No.D/564/04, M. No.9899891989),
Adv. for Garnishee No.18
Mr. Kunal Yograj Vermam, Adv. for
Garnishee no.22
Mr. Akhairaj Singh, Adv. for
Garnishee no.23,45,46&49
Ms. Archana Lakhotia & Ms. Rashi
Maheshwari, Advs. for Garnishee
no.27&28
Mr. Luv Manan, Adv. (Enrl.

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No.D/1407/18, M. No.9910070888)
for garnishee no.29

Ms. Gauri Puri, Adv. for Garnishee
no.31

Mr. Rajat Katyal, Adv. for Garnishee
no.30&34

Mr. Tarang Gupta, Adv. (Enrl.
No.D/2039/2015) for Garnishee
no.39&40

Ms. Sanya Ahluwalia, Adv. (Enrl.
No.D/3821/2019, M.
No.8860681673) for Garnishee
no.39,40,41,42 &55

Mr. Anandh Venkataramani, Adv. for
Garnishee no.47

Ms. Avika Madhura, Adv. (Enrl.
No.D/4134/2018, M. No.
9910005402) for Garnishee no.48

Mr. Abhishek Chauhan, Adv. for
Garnishee no.51

Mr. Saleem Hasan & Mr. Rohit
Dahiya, Advs. for Garnishee no.52

Ms. Lucky Palta, Adv. (Enrl.
No.P/1007/2006, M. No.
9818007517) for garnishee no.55

Ms. Ekta Sikri & Ms. K. Gayatri,
Advs. for Garnishee no.56

Ms. Hiba Rabia Shah, Adv. (Enrl.
No.D/6154/2017) for Garnishee i.e.
Ranchem Pvt. Ltd.

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% 19.02.2020

EA No.156/2020, 168/2020, 152/2020 & 157/2020 u/S 30 CPC r/w

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Order XI R 1 to 11, 21 & 22 CPC

The captioned EAs have been filed for Garnishee no.23, 45, 46 & 49 respectively qua whom moratorium u/S 14 of Insolvency and Bankruptcy Code, 2016 has been imposed.

Learned counsel for decree holder submits that the pleadings be completed in the captioned EAs because vide order dated 15.01.2020, the Hon'ble Court did not modify the order dated 11.10.2019, 14.11.2019 and 30.10.2018 and completion of pleadings would not be continuation of proceedings. *Per contra*, it is asserted on behalf of said garnishees that vide order dated 15.01.2020, the Hon'ble Court has stayed the continuation of proceedings against said garnishees and therefore filing the reply to the interrogatories would result in continuation of proceedings.

In view of above and at request, the captioned EAs may be placed before the Hon'ble Court on 28.02.2020, for further directions.

EA (OS) 153/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

It is pointed that the captioned EA pertains to garnishee no.43.

It is stated that reply to the captioned EA has been filed. However, learned counsel for garnishee no.27 points out that she had wrongly filed reply on behalf of garnishee no.27 in the captioned EA. Learned counsel undertakes to check up the same with the registry and take appropriate steps.

Re-notify on next date.

EA (OS) 169/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

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It is pointed that the captioned EA pertains to garnishee no.44.

It is stated that reply to the captioned EA has been filed. However, learned counsel for garnishee no.28 points out that she had wrongly filed reply on behalf of garnishee no.28 in the captioned EA. Learned counsel undertakes to check up the same with the registry and take appropriate steps.

Re-notify on next date.

EA (OS) No.151/2020 and EA (OS) No.170/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EAs have been filed for Garnishee no.47 & 52 respectively.

The captioned EAs are to be placed before the Hon'ble Court after completion of pleadings.

Replies to the captioned EAs have been filed. Copy already supplied to the opposite side.

Rejoinder, if any, be filed within one week with copy to opposite side.

Re-notify for completion of pleadings on the said EAs on next date.

EA (OS) No.158/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.3. It is stated that reply/objections to the EA will be filed within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be

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exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS) 163/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.7. It is stated that reply/objections to the EA has been filed on 12.02.2020 vide diary no.E-224230. At request, copy be supplied to learned counsel for the applicant within two days against due acknowledgement. Rejoinder, if any, be filed within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS) 154/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.9. It is stated that reply/objections to the EA will be filed within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)160/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.12,13,14&20. It is stated that reply/objections to the EA will be filed within three days. Let needful be done as stated with copy to

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opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)167/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.22. It is stated that reply/objections to the EA will be filed within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)162/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.27. It is stated that reply/objections to the EA were to be filed but the same have been filed in respect of EA No.153/2020. It is stated that needful will be done and rectified within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)161/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EAs have been filed for Garnishee no.28. It is

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stated that reply/objections to the EA were to be filed but the same have been filed in respect of EA No.151/2020. It is stated that needful will be done and rectified within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)166/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.30. At request, copy of EA be supplied to learned counsel for garnishee no.30 within two days against due acknowledgement. It is stated that reply/objections to the EA will be filed within three days thereafter. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA(OS)165/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.51. It is stated that reply/objections to the EA will be filed within three days. Let needful be done as stated with copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

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Re-notify for completion of pleadings on the captioned EA on next date.

EA (OS) 153/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.43. It is stated that reply/objections to the EA will be filed within three days. Advance copy supplied. Let needful be done as stated. Rejoinder, if any, be filed within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA (OS) 169/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA has been filed for Garnishee no.44. It is stated that reply/objections to the EA will be filed within three days. Advance copy supplied. Let needful be done as stated. Rejoinder, if any, be filed within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings on the captioned EA on next date.

EA (OS) No.155/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA is in respect of garnishee no.16. As per office note, process to garnishee no.16 is still awaited. It is stated by learned counsel for decree holder that the said garnishee has been served and that affidavit of service in this regard will be filed within two days. Let needful be done as stated.

Re-notify for awaiting service for next date.

EA(OS) No.164/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA is in respect of garnishee no.31. It is stated that reply to the captioned EA will be filed within three days. Advance copy supplied. Let needful be done as stated. Rejoinder, if any, be filed within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings qua the aforesaid EA on next date.

EA(OS) No.159/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC

The captioned EA is in respect of garnishee no.37. As per office note, garnishee no.37 has been served.

Reply to the captioned EA be filed within three days with advance copy to opposite side, who may file rejoinder, if any, within four days thereafter with copies to be exchanged.

Re-notify for completion of pleadings qua the aforesaid EA on next date.

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There is no representation on behalf of garnishee no.2,6,10,15, 21, 24,26, 33 &38.

It is stated that substituted service has been affected on 16.02.2020 in respect of garnishee no.1,18,19,25,29,39,40,41,42,48 & 55 through publication and on garnishee no.53 through courier. It is stated that citation in respect of garnishee no. 1,18,19,25,29,39,40,41,42,48 & 55 and affidavit of service in respect

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of garnishee no.53 will be filed within two days. Let needful be done as stated.

It is stated on behalf of garnishee no.18 that documents have not been supplied to the said garnishee. At request, same be supplied to learned counsel for garnishee no.18 within two days against due acknowledgement. Garnishee no.18 to comply with the orders of the Hon'ble Court dated 11.10.2019 & 14.11.2019 within one week thereafter.

It is stated on behalf of garnishee no.3 that order of the Hon'ble Court dated 11.10.2019 has been complied with and income tax statements for the relevant years have been filed. It is further stated that the bank statements for the relevant period have been filed with the previous affidavit. Without prejudice to his right, learned counsel for garnishee no.3 submits that he will inspect the file and comply with direction of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019 within one week. Let needful be done as stated with copy to opposite side.

Garnishee nos.4,5,9,17,22,23,27,35,36,45,46,49&54 have complied with the directions of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019.

It is stated on behalf of garnishee no.7 that said garnishee is not disputing the liability or the amount payable but is only asserting that time for payment has not yet come. It is further stated by learned counsel for garnishee no.7 that the advance copy of reply to

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interrogatories has been supplied to the decree holder today itself. Learned counsel for decree holder submits that he will inspect the file and apprise on next date.

It is stated on behalf of garnishee no.11 that combined affidavit in terms of directions of the Hon'ble Court vide orders dated 11.10.2019 & 14.11.2019 have been filed. Learned counsel for decree holder submits that decree holder will inspect the same and apprise on next date.

It is already stated by learned counsel for garnishee no.12,13,14&20 that said garnishees have moved before the Hon'ble Court for exemption from filing of ITRs. It is stated that the bank statements for garnishee no.13&14 have been filed alongwith the requisite documents. It is submitted that bank statements for garnishee no.12&20 have been filed today itself vide diary no.253672 & 253612. The same are not on record. Learned counsel undertakes to check up the same with the registry and get the same placed on record. Advance copy of same be supplied to opposite side.

It is stated by learned counsel for garnishee no.28 that the order of the Hon'ble Court dated 14.11.2019 could not be complied with as requisite documents were not supplied by JD no.19, to which learned counsel for JD no.19 submits that he will supply the documents within one day. Order of the Hon'ble Court be complied with within six days thereafter with copy to decree holder.

At this stage, Mr. Luv Manan has appeared for Garnishee

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no.29. At request, copy of relevant documents be supplied to learned counsel for garnishee no.29 within two days against due acknowledgement. It is stated that directions of the Hon'ble Court vide orders dated 11.10.2019 & 14.11.2019 will be complied within one week. Let needful be done as stated with copy to opposite side as well as the concerned JD.

It is stated by learned counsel for garnishee no.30 that order dated 14.11.2019 is not required to be complied with by the said garnishee in view of the submissions that said garnishee has admitted the transactions but the same is barred by limitation. *Per contra*, it is stated by learned counsel for decree holder that garnishee no.30 is in effect stating that he is no more a garnishee, therefore, he needs to provide the relevant documents after admitting liability whether or not the debt is in effect a time barred debt and as such they are required to comply with the order of the Hon'ble Court dated 14.11.2019.

It is stated on behalf of garnishee no.31 that affidavit in compliance of directions of the Hon'ble Court vide order dated 14.11.2019 will be filed within one day. Advance copy supplied to DH and JD no.1,14 &19 (through proxy counsel).

Garnishee no.32 has complied with order dated 11.10.2019 but has expired and order dated 14.11.2019 has not been complied with.

It is stated on behalf of garnishee no.34 that order dated 11.10.2019 has been complied with today itself, however, the said

affidavit is not on record. Learned counsel undertakes to check up the same with the registry and get the same placed on record. Let advance copy of same be supplied to DH against due acknowledgement.

Garnishee no.37 is directed to comply with the directions of the Hon'ble Court dated 14.11.2019 within seven days with copy to opposite side.

It is stated on behalf of garnishee no.43&44 that reply to interrogatories will be filed within three days as already stated. Learned counsel for decree holder submits that he will inspect the same and apprise on next date.

At this stage, Ms. Sanya Ahluwalia appear for Ms. Ruby Gurdeep Singh, stated to be one of the directors of garnishee no.39 and Mr. Tarang Gupta appears for Mr. Mukesh Arora stated to be one of the directors of garnishee no.39. It is stated that the said persons are not the directors of garnishee no.39. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.39. Relevant documents have been supplied to learned counsel for decree holder today in court on behalf of Mr. Mukesh Arora.

At this stage, Ms. Sanya Ahluwalia appears for Ms. Bela Rajput, stated to be one of the directors of garnishee no.40 and Mr.

Tarang Gupta appears for Mr. Mukesh Arora stated to be one of the directors of garnishee no.40. It is stated that the said persons are not the directors of garnishee no.40. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.40. Relevant documents have been supplied to learned counsel for decree holder today in court on behalf of Mr. Mukesh Arora.

At this stage, Ms. Sanya Ahluwalia appear for Ms. Ruby Gurdeep Singh and Ms. Bela Rajput, stated to be the directors of garnishee no.41. It is stated that the said persons are not the directors of garnishee no.41. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.41.

At this stage, Ms. Sanya Ahluwalia appear for Mr. Aneel Gill and Ms. Bela Rajput, stated to be the directors of garnishee no.42. It is stated that the said persons are not the directors of garnishee no.42. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of

Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.42.

It is stated on behalf of garnishee no.47 that affidavit and documents in compliance of directions of the Hon'ble Court vide order dated 14.11.2019 has been filed on 13.02.2020 vide diary no.228697. The same is not on record. Learned counsel undertakes to check up the same with the registry and get the same placed on record. At request, advance copy of same be supplied to learned counsel for DH against due acknowledgment.

At this stage, Ms. Avika Madhura appears for Mr. Sunil Kapoor, stated to be one the directors of garnishee no.48. It is stated that the said person is not the director of garnishee no.48 anymore. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.48.

Office representative of garnishee no.50 is present. However, affidavit in terms of directions of the Hon'ble Court vide order dated 14.11.2019 or in alternative affidavit in terms of submissions made on last date has not been filed till date. Let same be filed within seven days with copy to opposite side.

It is stated on behalf of garnishee nos.51&52 that said

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garnishees have already repaid the entire money to the JDs. Garnishee no.52 has already filed an exemption application in this regard. Learned counsel for JD no.17 submits that he has not received the affidavit of garnishee no.51. At request, same be supplied to the learned counsel during the course of day against due acknowledgment. JD no.17 to file its response to the said affidavit within seven days thereafter with copy to decree holder.

At this stage, Ms. Sanya Ahluwalia appears for Mr. Vikramaditya Rajput and Ms. Lucky Palta appears for Mr. Prem Kumar Chawdhary, stated to be the directors of garnishee no.55. It is stated that the said persons are not the directors of garnishee no.55. *Per contra*, it is stated on behalf of the decree holder that the data was collected regarding the directors from the website of Ministry of Corporate Affairs. The said persons are at liberty to file appropriate affidavits alongwith documents, if any, in support of their assertions that they are not the directors of garnishee no.55. At request, the said affidavits be filed within one working week with copy to opposite side.

It is stated on behalf of garnishee no.56 that the said Garnishee has already repaid the entire money to JD no.17. Learned counsel for JD no.17 submits that he has not received the affidavit of garnishee no.56. At request, same be supplied to the learned counsel during the course of day against due acknowledgment. JD no.17 to file its response to the said affidavit within seven days thereafter with copy

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to decree holder. Learned counsel for garnishee no.56 submits that requisite documents are already on record.

It is pointed out on behalf of decree holder that judgment debtors have not filed their responses in terms of directions of the Hon'ble Court. Learned counsel for judgment debtor no.1,3,4 & 13 and proxy for judgment debtor no.14 & 19 submits that needful will be done within seven days. Let needful be done as stated with copy to opposite side. Learned counsel for JD no.16&17 submits that remaining documents in terms of directions of the Hon'ble Court will be filed within seven days. Let needful be done as stated with copy to opposite side. Remaining JDs are also directed to file their responses in terms of directions of the Hon'ble Court in terms of para no.7 of order dated 14.11.2019 within the same timeline with copy to opposite side.

Let affidavits in terms of directions of the Hon'ble Court vide para no.4 of order dated 11.10.2019 & 14.11.2019 be filed by garnishees nos. 2,6,10,15,21,24,26, 33 &38, who are not present today, within three days, if not already filed with copies to the DH as well as JD no.1,6,14&19. The affidavits by JD no.1,6,14&19 in terms of directions of the Hon'ble Court vide para no.5 of order dated 11.10.2019 be filed within three working days thereafter with copy to the respective garnishees. The response to affidavit of JD no.1,6,14&19 as well as DH be filed by the said garnishees in terms of directions in para no.6 of order dated 11.10.2019 within two days

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of receipt of advance copy of the response of JDs as well as DH.

The income tax returns, bank statements and balance-sheet, if not already filed, be filed by garnishees disputing their liability in terms of directions of the Hon'ble Court vide order dated 14.11.2019 within three working days with copies to the JD no.1,6,14&19 as well as DH.

Let ITRs, bank statement and balance-sheets for the relevant periods, in terms of direction of the Hon'ble Court vide order dated 14.11.2019 by JDs be filed within three working days, if not filed earlier with copies to the respective garnishees as well as DH.

The undersigned was directed to prepare the report within two months from 18.12.2019, in terms of directions of the Hon'ble Court vide order dated 14.11.2019.

Since the time has already lapsed and as yet the affidavits and documents in respect of all the garnishees and the JDs, in terms of directions vide order dated 11.10.2019 & 14.11.2019 have not yet come on record and service reports of some garnishees are yet to come on record, and at request, the matter may be placed before the Hon'ble Court on 28.02.2020, for further directions. Date is given at the convenience of the parties. At request, copy of order be given *dasti*.

**SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 19, 2020/ab

[Click here to check corrigendum](#)