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

+ O.M.P.(EFA)(COMM.) 6/2016, I.A. 5552/2019, EX.APPL.(OS) 1365/2021, EX.APPL.(OS) 1525/2023, EX.APPL.(OS) 278/2024

DAIICHI SANKYO COMPANY, LIMITEDDecree Holder

Through: Mr. Arvind Nigam, Senior Advocate with Mr. Giriraj Subramaniam, Mr. Nabik Syam, Ms. Anindita Barman, Ms. Astha Ahuja, Ms. Shyra Hoon, Mr. Tanmay Arora, Mr. Aman Acharya and Mr. Rohan Jaitley, Advocates.

versus

MALVINDER MOHAN SINGH AND ORS.Judgement Debtors

Through: Mr. Aditya Dewan and Ms. Himangi Kapoor, Advocates for JD6 to JD8.

Mr. Rajiv Nayar, Senior Advocate with Mr. Sanjeev Sharma, Ms. Vaishali, Mr. Vaibhav Kakkar, Ms. Sanya Sud, Ms. V. Goyal, Ms. M Das Gupta and Ms. Hema Malik, Advocates for Fortis Healthcare.

Ms. Shally Bhasin, Mr. Prateek Yadav and Ms. Jyotsna Punshi, Advocates for JD21 and JD23.

Mr. Abhay Kakkar, Mr. Rishi Sethi, Mr. Vidur Sikka, Mr. Ashwani Kumar and Ms. Sandhya Chawla, Advocates for JD27 and JD35.

Mr. Nalin Kohli, Senior Advocate with Mr. Shankh Sengupta, Mr. Aubert Sebastian, Mr. Sujoy Sur, Mr. Shreyash Sharma, Mr. Anshul Malik and Mr. Ayushman Arora, Advocates for Religare Enterprises Limited.

Mr. Darpan Wadhwa, Senior Advocate with Mr. Amer Vaid and Ms. Aditi Mohan, Advocates for Applicant in I.A. 5552/2019.

Ms. Saman Ahsan, Ms. Sujata Majumdar and Ms. Muskan Narang, Advocates for FAB.



CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
% **17.07.2025**

EX.APPL.(OS) 998/2025

1. This is an application filed on behalf of the Decree Holder to withdraw and remit the sale consideration of Rs. 8 crores deposited by the successful bidder i.e. Agilus Diagnostics Limited with the Registrar General of this Court.
2. Issue notice.
3. Counsels, as above, accept notice for the respective Respondents.
4. As a backdrop, Decree Holder/applicant herein had preferred applications being E.A. Nos. 590/2020 and 1295/2024 seeking *inter alia* appointment of Court Commissioner for conducting sale of SRL Trademark and allied marks. E.A. No. 1295/2024 was allowed vide order dated 21.04.2025 and Court Commissioner was appointed to carry out sale of brand SRL by public auction in terms of Order XXI Rule 66 CPC within six weeks. It was directed that Court Commissioner shall draw a sale proclamation taking into account the given Valuation Report and thereafter publish the proclamation on the website of this Court as well as in two leading national newspapers. Court Commissioner was also directed to submit his report indicating the bids received for confirmation of sale.
5. Consequently, the appointed Court Commissioner filed an application being E.A. No. 776/2025 seeking approval of draft proclamation of sale of SRL trademark and allied marks, which was allowed on 15.05.2025 approving the sale proclamation. In terms of the approved proclamation of



sale, public auction was conducted on 03.06.2025 wherein Agilus emerged as the single and highest bidder by placing a bid of Rs.8 crores. In compliance with condition (f) of proclamation of sale, Agilus deposited 25% of the bid amount i.e. Rs.2 crores on 04.06.2025 through Demand Draft Nos. 282459 and 282490. Subsequently, Court Commissioner submitted his report on 09.06.2025 confirming successful completion of the sale. On 25.06.2025, Agilus deposited the remaining Rs.6 crores in compliance with condition (h) of proclamation of sale through Demand Draft No. 282615 dated 23.06.2025.

6. By this application, Decree Holder seeks confirmation of sale and withdrawal of the amount deposited by Agilus in this Court, in the absence of objections to the sale of SRL trademark and allied marks. It is stated in the application that despite an award of Rs.5,100 crores in favour of the Decree Holder, it has only been able to recover paltry sums till date and therefore, a sum of Rs.8 crores be released along with accrued interest.

7. Having heard Mr. Arvind Nigam, learned Senior Counsel for the Decree Holder and in light of the facts as stated above, this application is allowed permitting the Decree Holder to withdraw and remit the sale consideration of Rs.8 crores lying deposited with the Registrar General of this Court.

8. It is directed that sum of Rs. 8 crores be released in favour of the Decree Holder along with interest accrued upto date, for which purpose the matter will be listed before the concerned Joint Registrar on 06.08.2025.

9. Application stands disposed of.

EX.APPL.(OS) 773/2025

10. This application is filed on behalf of the Decree Holder/applicant to



withdraw and remit the sale consideration in the sum of Rs. 200 crores deposited by Fortis Healthcare Limited (FHL) with the Registrar General of this Court pursuant to sale of Fortis marks.

11. Issue notice.

12. Counsels, as above, accept notice on behalf of the respective Respondents.

13. As the admitted facts go, Fortis and allied marks are registered trademarks and by virtue of provisions of the Sale of Goods Act, 1930 were the property of RHC Healthcare Management Services Private Limited (RHC Healthcare) which in turn is a group Company of Judgment Debtor No. 19 i.e. RHC Holding Private Limited. RHC Healthcare was enjoined from dealing with or creating third party interests in the Fortis and allied marks vide order dated 18.07.2018 passed by this Court. Subsequently, vide judgment dated 22.09.2022, the Supreme Court attached a number of moveable and immovable assets in favour of the Decree Holder including Fortis and allied marks in order to realise the decretal amount.

14. As stated in this application, Decree Holder preferred an application being E.A. No. 31/2020 seeking sale of Fortis and allied marks along with other trademarks. This application was partly allowed in respect of Fortis and allied marks vide judgment dated 29.10.2024 and Court directed sale by public auction. In the said judgment, the Court observed that *‘Learned counsel for the judgment debtors do not oppose the proposed auction of the Fortis marks. In fact, it is the common case of all the parties that by virtue of judgment dated 22.09.2022 passed by the Supreme Court in M/s Daiichi Sankyo Company Limited v. Malvinder Mohan Singh & Ors., 2022 SCC OnLine Supreme Court 1281 it was specifically directed by the Supreme*



Court that certain properties of the judgment debtors including the Fortis trademark, shall be available to the executing court and shall abide by such directions of the executing court as it may pass. '

15. Terms of auction were finalised and sale proclamation was issued under Order XXI Rule 66 CPC. Public auction was conducted on 21.12.2024 in which FHL was the sole bidder and offered a price of Rs. 200 crores to purchase the trademark Fortis. As required by the terms of auction, FHL deposited Rs.50 crores towards the sale consideration. RHC Healthcare, however, filed objections on 15.01.2025 and 23.01.2025 challenging the sale, which were dismissed vide judgment dated 25.03.2025 and sale was upheld. On 04.04.2025, FHL deposited Rs.150 crores through Demand Draft No. 032175 dated 03.04.2025.

16. RHC Healthcare preferred EFA (OS) (COMM) 2/2025 and EFA (OS) (COMM) 3/2025 challenging judgments dated 29.10.2024 and 25.03.2025 in which notice was issued by the Division Bench on 15.04.2025. It was observed that any steps taken in the execution proceedings in respect of the brand name Fortis will be subject to outcome of the appeal. By order dated 21.04.2025, learned Registrar proceeded to issue sale certificate in favour of FHL and on 29.04.2025, appeals pending before the Division Bench were dismissed as withdrawn.

17. Mr. Nigam, learned Senior Counsel for the Decree Holder submits that sale certificate dated 21.04.2025 issued in favour of FHL is now absolute and irrevocable in terms of Section 64 of the Sale of Goods Act, 1930 and there is no impediment in the Decree Holder withdrawing the sum of Rs.200 crores deposited in this Court. It is further submitted that there is no GST obligation on RHC Healthcare since GST is payable on a reverse



charge basis and FHL, the successful auction purchaser, has already undertaken to pay GST which is also recorded in paragraph 49 of judgment dated 25.03.2025 passed by this Court.

18. Having heard learned Senior Counsel for the Decree Holder/applicant, this Court finds no impediment in the way of the Decree Holder withdrawing the sum of Rs.200 crores lying deposited in this Court. It is accordingly directed that a sum of Rs. 200 crores be released in favour of the Decree Holder along with the interest accrued upto date, for which purpose the matter will be listed before the concerned Joint Registrar on 06.08.2025.

19. Application stands disposed of.

EX.APPL.(OS) 839-840/2025, 3650/2022, 3850/2022, 3763/2022 and 3764/2022

20. List before Court on 15.09.2025.

EX.APPL.(OS) 31/2020, 1164/2020 and 244/2024

21. List before Court on 16.09.2025.

JYOTI SINGH, J

JULY 17, 2025/YA