

\$~5

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

+ O.M.P.(EFA)(COMM.) 6/2016 & CCP(O) 21/2017, EX.APPL.(OS) Nos.451/2019, 453-54/2019, 490-91/2019, 660-661/2019, 667/2019, 668/2019, 719/2019, 803/2019, 893/2019, 3/2020, 31-33/2020, 153/2020, 154/2020, 155/2020, 156/2020, 158/2020, 159/2020, 160/2020, 161/2020, 162/2020, 163/2020, 164/2020, 165/2020, 166/2020, 167/2020, 169/2020, 170/2020, IA Nos.11066/2017, 2066-70/2018, 2072/2018, 2075/2018, 2077-83/2018, 4144-45/2018, 6346/2018, 6680-81/2018, 7005-06/2018, 9262/2018, 9264/2018, 14121/2018, 14551/2018, 14554/2018, 15462/2018, 16727/2018, 17282/2018, 885/2019, 1132/2019, 5552-53/2019, 6859/2019, 6933/2019

DAIICHI SANKYO COMPANY, LIMITED Decree Holder
Through: Mr. Arun Kathpalia, Senior Advocate with Mr. Amit Kumar Mishra, Mr. Jaiveer Shergill, Mr. Rohan Jaitley, Mr. Shivam Pandey, Ms. Kanika Sijnghal and Ms. Saloni Agarwal, Advs.

versus

MALVINDER MOHAN SINGH AND ORS..... Judgement Debtors
Through: Ms. Suman Yadav, Mr. Aditya Sarin, Mr. Pradeep Chandra, Ms. Nitya Gupta and Mr. Shobhit Ahuja, Advs. for JD Nos.1,3,4 and 13.
Mr. Sumit K. Batra, Adv. for Garnishee No.3.
Mr. Aditya Dewan and Ms. N.Nagpal, Advs. for JD Nos.6 to 8.
Mr. Manish Khurana, Adv. for Garnishee No.9.
Mr. Akhil Sibal, Senior Advocate with Mr. Varun Mishra, Adv. for JD No.14 to 19.

Ms. Ekta Sikri and Mr. Abhinav Garg, Adv. for Garnishee No.56.

Mr. P.K. Mishra, Adv. for Garnishee No.7.

Mr. Kunal Yograj Verma, Adv. for Garnishee No.9.

Mr. Lakshay Lariya, Adv. for Garnishee No.11.

Mr. Atul Kumar, Adv. in I.A. 17282/2018.

Mr. Ajay Bhargava and Ms. Wamika Trehan, Advs. for Garnishee Nos.23,45,46, 49 and respondent No.26.

Mr. Sanjay Jain, Senior Advocate along with Mr. Abhijeet and Mr. S. Hasan, Advs.

Ms. Lucky Palta, Adv. for Garnishee No.55 along with Mr. Prem Kumar Choudhary, (Ex.Director) in person.

Mr. Rajshekhar Rao, Mr. Ferida S. Chopra, Mr. Aashish Gupta and Mr.Varun, Advs. for Garnishee No.12,13,14 & 20.

Mr.Pratyush Miglani with Mr.Nikhil Varma, Ms.Smriti Varma, Advs. for Ranchem Pvt. Ltd./Garnishee.

Mr. Udita Singh, Adv. for JD No.16 & JD No.17.

Ms. Manmeet Arora and Mr. Tarang Gupta, Advs. for Mr. Mukesh Arora.

Ms. Archana Lakhotia and Ms. Rashi Maheshwari, Advs.

Ms. Bihu Sharma and Ms. Malvika Yadav, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

11.03.2020

Ex.APPL. (OS) 328/2020

1. This is an application moved by garnishee No.52 seeking deletion of its name from the array of parties.
2. Learned senior counsel for the applicant/garnishee No.52 submits that the amount which was payable by the applicant to M/S RHC Holding Private Limited already stands repaid with interest way back in the year 2017 and therefore, no further amount is payable by the applicant to the judgment debtor Nos.14 and 19. For this purpose, he draws my attention to the certificates issued by Axis Bank Limited and HDFC Bank Limited as also the affidavit filed by judgment debtor No.19. He, therefore, contends that once no amount is payable by the applicant to any of the judgment debtors, the applicant cannot be treated as garnishee and thus prays that the name of applicant be deleted from the list of garnishees.
3. Keeping in view the nature of relief sought in the application, notice in the application is issued only to the Decree Holder as also the JDs No.14 and 19. Notice is accepted by their respective counsel, who pray for and are granted one weeks' time to file reply. Rejoinder thereto, if any, be filed within one week thereafter.
4. In the light of the certificates issued by Axis Bank Limited and HDFC Bank Limited as also the stand taken by judgment debtor No.19, the applicant is, till the next date, exempted from complying with the directions passed by this Court on 14.11.2019.
5. List the application for consideration on 25.03.2020.

Ex.APPL. (OS) 152/2020, 156/2020, 157/2020, 168/2020

6. These are the applications filed by the decree holder under Section 30 and order-XI Rule 1 to 11, 21 and 22 seeking directions to M/s Payne Realtors Private Limited, Pawan Impex Pvt. Limited, SVIIT Private Limited & Sharan Hospitality Private Limited respectively for providing replies to questions by way of interrogatories as set out in Annexure A1 to the application.

7. Keeping in view the orders passed by this Court on 15.01.2020, learned senior counsel for the decree holder prays that the applications be taken up for consideration after the conclusion of the ongoing proceedings before the NCLT, pursuant where to a moratorium has been imposed qua the aforesaid four entities.

8. List the applications for consideration after the conclusion of the proceedings before the NCLT.

Ex.APPL. (OS) 151/2020

9. Learned counsel for the decree holder prays for and is granted two weeks to file rejoinder to the reply filed by garnishee No.47.

10. Vide order dated 14.11.2019 this Court had directed the learned Joint Registrar to furnish its report after examining the affidavits along with documents filed/to be filed by the garnishees as also the reply to the interrogatories. The learned Joint Registrar was directed to furnish his report within a period of two months w.e.f. 18.12.2019 which period has already expired but the pleadings qua the garnishees are still incomplete and therefore, with the consent of the parties the time for furnishing the said report is extended till 30.04.2020.

11. List before the Joint Registrar for further proceedings on

20.03.2020.

12. List before the Court on 11.05.2020 for consideration of the report of the learned Joint Registrar.

I.A.145/2020 (under Section 151 CPC)

13. This is an application filed by garnishees Nos.12,13,14 and 20 seeking exemption from complying with the order dated 14.11.2019 insofar as they are required to file copies of income tax returns before this Court. Learned counsel for the applicant submits that the very premise on which the applicants have been arrayed as garnishees, is wholly misplaced, as the applicants do not owe any amount whatsoever to judgment debtor Nos.16 and 17 as claimed by judgment debtor No.19. He submits that, on the other hand, it is the applicants, who have to recover an amount of over Rs.70 crores from the judgment debtor Nos.16 and 17. A perusal of the application shows that no documents in support of the averments made in the application have been annexed. Learned counsel for the applicant, therefore, prays for and is granted one weeks' time to file additional documents along with an appropriate affidavit in support of its contention that the applicants do not owe any amount to the judgment debtors No.16&17.

14. List the application for consideration on 25.03.2020.

O.M.P.(EFA)(COMM.) 6/2016

15. Ms. Manmeet Arora, learned counsel appearing on behalf of Mr. Mukesh Arora, to whom notice was issued on the premise that he was a Director of Garnishee No.39 and 40, submits that Mr. Mukesh

Arora had already resigned as a Director of Garnishee No.39 and 40 on 18.04.2018 itself and, therefore, prays that notice issued to him be discharged.

16. Learned counsel for the decree holder prays for and is granted one week's time to file response by way of an affidavit to the documents filed by Mr. Mukesh Arora. This aspect as to whether Mr. Mukesh Arora is still continuing as a Director of the garnishee Nos.39 and 40 will also be dealt with by the learned Joint Registrar, while submitting his report in terms of this Court's order dated 14.11.2019.

17. In view of the time being granted to the parties, the next date of 13.03.2020 before the Court stands cancelled.

18. List before the Court on 25.03.2020, the date already fixed.

REKHA PALLI, J.

MARCH 11, 2020

'sdp'