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IN THE HIGH COURT OF DELHI AT NEW DELHI

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

DAIICHI SANKYO COMPANY, LIMITED Decree Holder
Through Mr. Amit K. Mishra, Mr. Mohit Singh,
Ms. Smridhi Hota, Ms. Kanika Singhal,
Mr. Shivam Panday, Mr. Turab Ali
Kazmi, Ms. Saloni Agarwal, Mr.
Kunal Chatterji, Mr. Aditya Shankar
& Mr. Rohan Jaitley, Advs.

Versus

MALVINDER MOHAN SINGH AND ORS. Judgement Debtor
Through Ms. Suman Yadav, Adv. for JD-
1,3,4&13 and proxy for JD no14,
15,18 and 19.
Mr. Varun Misra, Adv. For R-
14,15,18&19
Mr. Abhay Kakkar & Ms. Sandhya
Chawla, Advs. For R-27&35
Mr. Tajveer Bhatia, Adv. For
Garnishee no.11
Ms. Ferida S Chopra, Mr. Aashish
Gupta & Mr. Varun Byreddy, Advs. for
Garnishee no.12,13,14 &20
Mr. Ritesh Khatri, Adv. For Garnishee
no.18
Ms. Archana Lakhotia, Adv. For
Garnishee no.27&28
Mr. Kapil Sapra & Mr. Vikas Dutta,
Advs. for Garnishee no.31
Mr. Saleem Hasan & Mr. Rohit Dahiya,
Advs. for Garnishee no.52
Ms. Lucky Palta & Mr. Harsh Gurbani,
Advs. for Garnishee no.55
Ms. Ekta Sikri & Ms. K. Gayatri, Advs.
For Garnishee no.56
Mr. Tarang Gupta, Ms. Ritambhara
Narang & Mr. Mukesh Arora for

Garnishee i.e. RWL Healthworld Ltd
& Ligare Aviation Ltd.
Ms. Archana Lokhotia, Adv. For
Garnishee no.27&28
Mr. Vikas Dutta, Adv. For Garnishee
no.31

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **27.08.2020**

The matter has been taken up through video conferencing in terms of directions vide Circular no.288/RG/DHC/2020 dated 15.08.2020.

OMP (EFA) (COMM) 6/2016

The matter is listed before the undersigned in terms of directions of the Hon'ble Court vide order dated 14.11.2019 for preparing report in respect of one lot of 56 Garnishees and further, for preparing report in respect of another lot of 18 garnishees vide order dated 25.08.2020.

It is clarified that in the first lot, there are 56 Garnishees out of which, one has expired and there is duplication of the name of one Garnishee.

Report is also to be furnished in terms of directions of the Hon'ble Court vide order dated 25.08.2020, in respect of 18 garnishees, which are mentioned in para no.5 of EA No.809/2020 as follows:-

S. No.	Garnishee Name	Garnishee for Judgment	Details of debt due	Total debt due from Garnishee	Source of Details
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		Debtor No.			
1	RHC Finance Private Limited	JD-1 R-6 R-15 R-19	R-1: 153,333 R-6: 4,705,000 R-15: 140,000,000 R-19: 17,340,000	162,198,333	S. No. 2, Annexure C, Reply by JD No. 19 to IA 14553/18.
2	Best Healthcare Private Limited	R-14	175,00,00,00	175,00,00,000	S. No. 11, Annexure C, Reply by JD No. 19 to IA 14553/18.
3	Dion Global Solutions Limited	R-14 R-19	R-14: 5,09,60,250 R-19: 142,37,00,000	1,474,660,250	S. No. 12, Annexure C, Reply by JD No. 19 to IA 14553/18.
4	Healthfore Technologies Ltd.	R-14	R-14: 55,73,20,000 R-19:	2,552,570,000	S. No. 13, Annexure C, Reply

		R-19	199,52,50,000		by JD No. 19 to IA 14553/18.
5	Ligare Voyages Limited	R-14 R-19	R-14: 81,15,09,028 R-19: 495,11,36,297	5,762,645,325	S. No. 14, Annexure C, Reply by JD No. 19 to IA 14553/18.
6	Low Infra & Wellness Private Limited	R-14	40,01,00,000	40,01,00,000	S. No. 15, Annexure C, Reply by JD No. 19 to IA 14553/18.
7	Ranchem Private Limited	R-14 R-18 R-19	R-14: 367,91,00,000 R-18: 938,000 R-19: 175,32,00,000	5,433,238,000	S. No. 16, Annexure C, Reply by JD No. 19 to IA 14553/18.
8	RHC IT Solutions Private Limited	R-14	14,71,221	14,71,221	S. No. 17, Annexure C, Reply by JD No. 19 to IA 14553/18.

9	RWL Healthworld Limited	R-14 R-19	R-14: 34,47,037 R-19: 37,54,00,000	378,847,037	S. No. 19, Annexure C, Reply by JD No. 19 to IA 14553/18.
10	Todays Holdings Private Limited	R-18 R-19	R-18: 4,215,000 R-19: 95,00,000	13,715,000	S. No. 23, Annexure C, Reply by JD No. 19 to IA 14553/18.
11	A-1 Book Company Private Limited	R-19	137,44,63,023	137,44,63,023	S. No. 24, Annexure C, Reply by JD No. 19 to IA 14553/18.
12	Escorts Heart Centre Limited	R-19	38,00,000	38,00,000	S. No. 26, Annexure C, Reply by JD No. 19 to IA 14553/18.
13	Finserve Shared Services Limited	R-19	58,68,12,283	58,68,12,283	S. No. 27, Annexure C, Reply by JD No.

					19 to IA 14553/18.
14	Fortis Clinical Research Limited	R-19	45,00,000	45,00,000	S. No. 28, Annexure C, Reply by JD No. 19 to IA 14553/18.
15	Fortis Global Healthcare Private Limited	R-19	66,00,000	66,00,000	S. No. 30, Annexure C, Reply by JD No. 19 to IA 14553/18.
16	Fortis Hospital Management Limited	R-19	22,23,00,000	22,23,00,000	S. No. 31, Annexure C, Reply by JD No. 19 to IA 14553/18.
17	Ligare Aviation Limited	R-19	133,26,27,955	133,26,27,955	S. No. 32, Annexure C, Reply by JD No. 19 to IA 14553/18.
18	Shivi Holdings	R-19	26,35,00,000	26,35,00,000	S. No. 36, Annexure

	Private Limited				C, Reply by JD No. 19 to IA 14553/18.
TOTAL AMOUNT DUE FROM THE 18 GARNISHEES				15,777,873,945	

The Hon'ble Court has already granted four weeks' time to garnishees, judgement debtors and Decree Holder for completion of pleadings qua the said 18 garnishees. Accordingly, parties are at liberty to file their response/rejoinder, if any, within time as granted by the Hon'ble Court with copy to opposite side(s).

As regards the first lot of 56 garnishees, at request of learned counsel Ms. Suman Yadav, Adv. for JD-1,3,4&13 and proxy for JD no14, 15,18 and 19, copy of the affidavit filed by Garnishee no. 4,5,9,11,17,18,22,27,28,35,36 be supplied to the said JDs through counsel. JDs are at liberty to file their response to said affidavits in five days with copy to the respective garnishee and the Decree holder who may file their rejoinder/response to the same within 2 days of receipt of the advance copy of reply from JDs.

At request, response of decree holder qua JD no.12,13,14 & 20 be supplied to learned counsel Ms. Suman Yadav, Adv. for JD-1,3,4&13 and proxy for JD no14, 15,18 and 19, as well as concerned Garnishees. Said JDs may file their response within five days with copy to decree holder.

At request garnishee no. 12, 13,14 and 20 are at liberty to file

rejoinder to the response of JD concerned in one week with copy to opposite side as well as the decree holder. At request, decree holder is at liberty to file response to the reply of JDs in one week with copy to opposite side. Learned counsel for said garnishees submits that even the response of the concerned JDs had been filed with inordinate delay of about 8 months. Be that as it may, since the time before the undersigned for compiling the report is short, one week time is being given to the said garnishees for doing the needful. At request garnishee no. 12,13,14,20 are also at liberty to file reply to interrogatories filed by DH in one week with copy to the DH.

It is stated by learned counsel for garnishee no.18 that documents have not been supplied to him. At request, same be supplied by decree holder as well as the concerned JD within two days from today. Thereafter garnishee no.18 may file response, if any, within one week in terms of directions of the Hon'ble Court (vide order dated 11.10.19 and 14.11.19) with copy to decree holder and concerned JD, who may file response thereto within two days with copy to opposite side.

It is pointed out by learned counsel for decree holder that there is some confusion regarding the name and address of proposed garnishee no.24 i.e. Prime Educational and Social Trust. At request, learned counsel for judgment debtor to verify the name and address of said entity within three days and intimate the learned counsel for decree holder.

It is pointed out by learned counsel previously appearing for garnishee no.32 that garnishee no.32 has expired and garnishee no.12 is the legal heir of said garnishee, as already intimated in court

previously. At request, decree holder is at liberty to file appropriate application in this regard as per law before next date with copy to concerned legal heir. Learned counsel for garnishee no. 12 reserves her right to object to the said IA as per law.

It is stated by garnishee no.28 that documents are to be supplied to said garnishee by judgement debtor no.19. Let documents be supplied to said garnishee by judgement debtor no.19 within two days. Let reply be filed, in terms of directions of the Hon'ble Court, by said garnishee within five days with copy to decree holder and judgement debtor, who may file response thereto within two days thereafter.

It is pointed out that Mr. Mukesh Aggarwal, Ex. Director of garnishee no.39&40 has resigned on 18.04.2018 and affidavit in this regard has been filed. Learned counsel for decree holder submits that he will seek instructions and intimate the same on next date.

It is submitted on behalf of garnishee no.52 that said garnishee has already repaid the loan to the concerned JD. Learned counsel for garnishee no.52 submits that an application for deletion the name of said garnishee has been moved, which is to be listed before the Hon'ble Court. Learned counsel for Decree Holder contests the same and submits that the repayment itself was not as per law. No further directions are warranted at this stage and the respective submissions of the parties can be considered at the time of compiling of the report, subject to further directions of the Hon'ble Court in this regard.

Learned counsel for garnishee no.55 submits that Sh. Prem Kumar Choudhary, Ex. Director of the said proposed garnishee has resigned in 2018. At request, appropriate affidavit alongwith requisite

documents be filed within five days with copy to decree holder and judgement debtor, who are at liberty to file response thereto within two days thereafter.

It is stated by learned counsel for garnishee no.56 that affidavit in terms of order dated 11.09.2019 has been filed by said garnishee and that copy of same has been supplied to judgement debtor no.17&19. It is stated that no response has been filed by judgement debtor no.17 & 19 to the said affidavit till date. Let judgment debtor no.17 and 19 may file reply/response within five days with copy to garnishee no.56 as well as decree holder, who are at liberty to file response(s) thereto, if any, three days on receipt of copy of reply.

Let documents/reply, if not already filed, be filed by garnishees in terms of directions of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019 within three days with copy to respective JD and DH. The DH and respective JDs are at liberty to file their responses to the same within 5 days of receipt of the advance copy of the said affidavits.

In as much as the time before the undersigned is short, the hearing of the matter is being expedited.

Re-notify the matter for compilation of report on 01.09.2020 at 12.00 p.m.

Copy of order be sent to learned counsel for the parties through Whatsapp/email, if said contacts are available on record.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

AUGUST 27, 2020/ab