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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. Shoeb Alam, Mr. Amit K. Mishra, Mr. Mohit Singh, Ms. Samridhi Hota, Ms. Kanika Singhal, Mr. Shivam Pandey, Mr. Turab Ali Kazmi, Ms. Saloni Agarwal, Mr. Kunal Chatterji, Mr. Aditya Shankar & Mr. Rohan Jaitley, Advs. for Decree Holder

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

Mr. Aditya Dewan & Mr. Siddharth Chechani, Advs. For JD no.6 to 8 and SHPL

Ms. Devina Sehgal, Adv. for JD no.16&17

Mr. Tejveer Singh & Mr. Lakshay Laroiya, Advs. for Garnishee no.11

Mr. Gaurav Choudhary, Adv. for Garnishee no.16

Mr. Harshit Khare, Adv. for Garnishee no.23,45&49

Ms. Sahiba Singh, Adv. for Garnishee no.26

Mr. Aditya Mehta & Mr. Kartikey Nayyar, Advs. For Garnishee no.46

Mr. Saleem Hasan & Mr. Rohit

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Dahiya, Advs. For Garnishee no.52
Mr. Sumit Sahni, Adv. for Prime Trust
Mr. I. K. Giri, Adv. for Garnishee R. W. L. Healthworld Ltd.
Mrs. Lucky Palta & Mr. Harsh Gurbani, Adv. for Mr. P. K. Chaudhary (Ex. Director of Zoltan Properties, Garnishee no.55)
Mr. Pradyuman Kaistha & Mr. Vaibhav Dubey, Advs. For Garnishee Best Healthcare Pvt. Ltd.
Advs. Sonal Gupta & Manu Bajaj for ICICI Bank
Mr. Sandeep Das, Mr. Sidharth Sharma & Ms. Aishwarya Singh, Advs. For Religare Finvest Ltd.

CORAM:
SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

O R D E R

% 08.01.2021

The matter has been taken up through video conferencing in terms of directions vide Circular no.465/RG/DHC/2020 dated 30.09.2020, Circular no.500/RG/DHC/2020 dated 08.10.2020 and Circular No.7974/I/ORG/DHC/2020 dated 28.11.2020.

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

Today the matter is listed for conclusion of arguments/compilation of report qua garnishee no. 1 to 56 in IA no.14553 of 2018 and qua garnishee no. 1 to 10 in EA No.809/2020.

It is stated by learned counsel for garnishee no.9 RWL Health

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World Ltd. in EA No.809/2020 that on last date of hearing, clarifications were sought from judgment debtor no.19 regarding payments made to M/s Oskar Investments. However, clarifications were to required to be sought in this regard from judgment debtor no.14. Today, it is clarified on behalf of judgment debtor no.14 that payments have been received in respect of M/s Oskar Investments.

It is stated by learned counsel for garnishee no.24 that nothing fresh is required to be filed. It is urged that Prime Trust is registered in Baba Bakala Punjab, has its office at Beas, it has no property or office at Delhi, and therefore does not fall under the territorial jurisdiction of this Hon'ble Court. It is further urged that in light of this objection, the garnishee no. 24 does not wish to file any further documents in this matter. *Per contra*, learned counsel for decree holder submits that objections qua jurisdiction has been taken at the highly belated stage.

Today, arguments have addressed by garnishee no.26. It is stated that relevant documents have been filed. It is urged that the liability has been discharged. It is further urged that clarifications in respect of payment may be taken from judgment debtor no.8, who had made the payment qua garnishee no.26. *Per contra*, learned counsel for decree holder submits that no statement of account of the

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garnishee itself has been filed along with the affidavit and no relevant documents, in terms of directions by the Hon'ble Court have been filed by garnishee no 26.

In view of submissions made by learned counsel for garnishee no.26, learned counsel for judgment debtor no.8 submits that he will take instructions and clarify in this regard on next date.

At request, reply, if any, of judgment debtor no.19 to the response of garnishee no.26 be filed by next date with copy to the decree holder as well as to the concerned garnishee.

It is stated by learned counsel for garnishee no.46 that CIRP process has been concluded qua the said garnishee and that resolution plan has been filed and approved. It is stated that the amount due to R S Infrastructure has been shown in the said resolution plan as the amount due to unsecured financial creditors and that an appropriate application for discharge of garnishee no.46 will be shortly filed alongwith relevant documents including resolution plan.

Learned counsel is at liberty to take appropriate steps in this regard and no further directions are warranted at this stage.

It is stated by learned counsel for garnishee no.23, 45 & 49 that Moratorium is continued qua said garnishees.

Arguments have been addressed by garnishee no.16. It is stated

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that the said entity is not a garnishee. *Per contra*, learned counsel for decree holder submits that no documents have been filed by said garnishee in support of its submissions.

Arguments have been addressed on behalf of garnishee no.2 Best Healthcare Ltd. In EA No.809/2020. It is stated that liability is disputed and Rs.75.00 crore is owed, which the said garnishee is not in a position to pay. Learned counsel for decree holder submits that other than the affidavit, no document has been filed by said garnishee in support of his contention.

It is stated on behalf of Mr. P. K. Chaudhary stated to be ex director of garnishee no.55 that due to technical difficulty the leading counsel is unable to connect via video conferencing and arguments on behalf of Mr. P. K. Chaudhary will be addressed on next date.

Arguments by any of the remaining garnishee has not been addressed and even there is no appearance on behalf of remaining garnishees in IA No.14553/2018 and in EA No.809/2020.

Re-notify the matter for conclusion of arguments on behalf of remaining garnishee from no.1 to 56 in IA No.14553/2018(who have not addressed arguments till date) and garnishee no.1 to 18 in EA No.809/2020 on 11.01.2021 at 12.00 p.m.

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Copy of the order sheet be sent to garnishee who did not appear today, through counsel in IA No.14553/2018, as well as to garnishee no. 1 to 18 in EA no. 809/2020 through email/whatsapp, if said contacts are available on record.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 08, 2021/ab