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

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

DAIICHI SANKYO COMPANY, LIMITEDDecree Holder

Through: Mr. Giriraj Subramaniam, Mr. Nabik Syam, Advs.
Ms. Kumari Renu Chauhan- Court Auctioneer (Through VC)

versus

MALVINDER MOHAN SINGH AND ORS.Judgement Debtor

Through: Mr. Varun Garg, Adv. for D-1,4 and 15.
Ms. Devnia Sehgal, Adv. for R-22
Mr. Vikas Dutta, Mr. Shiva Sambhal, Advs. for RSSB (Auction Purchaser)
Mr. Sanjeev Sharma, Ms. Sanya Suo, Advs. for Fortis Healthcare
Ms. Sandhya Chawla, Adv. for D-27 and 35
Mr. Atul Kumar, Mr. Abhjimanyu, Advs. for applicant
Ms. Tejasvi Mahajan, Mr. Sandeep Das, Advs. for Religare Enterprises Ltd. (Through VC)

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **08.01.2025**

Matter is taken up through physical hearing as well as video conferencing.

Perusal of record of the case reveals that Ld. Court Auctioneer has filed Auction report alongwith annexures qua the Public Auction and Sale of the properties/Trademarks as mentioned in the schedule and order dated 09.12.2024.

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It has been stated that the properties i.e. All the Trade Marks as mentioned in the schedule annexed with order dated 09.12.2024 have been purchased by the Fortis Health Care Ltd. and 25% less EMD of the Total amount of Rs. 400 Million has been deposited before the Ld. Registrar General of Delhi High Court vide DD No. 031607 dated 23.12.2024.

Ld. Counsel for the purchaser Fortis Healthcare Ltd. has appeared physically and stated that Purchaser will deposit the remaining amount within the granted period i.e. within 60 days from finalisation of bid i.e. from 21.12.2024. Ld. Counsel for Court Auctioneer is directed to file the entire report and annexures physically with the Registry within one week.

Ex. APPL.OS 1525/2024

Ld. Counsel for applicant / RHC has stated that on the previous date of hearing i.e. on 21.11.2024, inadvertently it was mentioned that DH has filed Reply whereas the DH is not Respondent in the present application and no Reply was filed or required to be filed by DH, rather a similar application has been filed by DH separately.

Ld. Counsel for Respondent Fortis Healthcare Limited has requested for some more time for filing Reply to the I.A. Reply be filed within one week with advance copy to the applicant.

Ex. APPL.OS 1096/2024

Ld. Counsel for the Auction Purchaser Radha Swami Satsang Beas has stated that the purchaser had deposited 100% of the amount of Auction Purchase as per order dated 03.07.2024 and his Sale has been confirmed and Sale Certificate has been issued but the issue of deposit of TDS with



the Income Tax Department is left to be ascertained as the Purchaser did not have PAN number of the Decree Holder. He has further stated that 99% of the deposited amount has been released to the Decree Holder upon his application and one percent of the amount is still lying with the Registry. He has requested that clarification be made as to who is supposed to deposit the TDS.

Ld. Counsel for DH has stated that the DH company is a foreign company which does not have PAN Card in India at present and matter may be placed before Hon'ble Court for further directions in this regard.

At request, matter be placed before Hon'ble Court for further directions in the abovesaid IAs as well as for further directions qua finalisation of the Auction Sale of Trademarks as per report of the Auction Purchaser on already fixed date i.e. 17.01.2025.

**TYAGITA SINGH, (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JANUARY 8, 2025/sm