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

+ CO.PET. 704/2014

SH. AMARPREET SINGH OBEROI & ORS. Petitioners

Through

Versus

M/S A. N. BUILDWELL PVT. LTD. Respondent

Through Mr. Ashwani Dubey, Adv. For
applicant in CA No.491/2021.

Mr. Jaisurya Jain, Adv.

Mr. Sameer Sodhi, Adv.

Mr. Vikrant Pachnanda & Mr. Mukul
Katyal, Advs. for propounder No.2.

Mr. Kunal Sharma, Adv. for OL.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2022

[Hearing Held Through Videoconferencing]

CA No.369/2020

1. This is an application filed on behalf of three security agencies, *inter alia*, praying that the Official Liquidator (OL) be directed to ensure payment of the amount due to them before parting with the possession of the assets of the respondent company (M/s A.N. Buildwell Pvt. Ltd.). The said company is in the process of being revived and is not being wound up at this stage. Therefore, there is no ground to entertain the prayer that the assets of the company not be handed over in control of the existing management till the payment of certain dues as claimed by the Security Agencies (the applicants).
2. The applicants were engaged by the OL for providing security services in respect of certain immovable properties. There can be no dispute



that the respondent company would be liable to pay the amounts due for the services rendered by the said agencies. During the course of the arguments, it was contended that the security agencies may be paid from the common pool fund. This contention is unmerited as the company is not being wound up and therefore, there is no question of deferring the expenses of the company through the common pool fund.

3. The application is dismissed with the aforesaid observations.

CA No.491/2021

4. The applicant is a security agency and has filed the present application, *inter alia*, praying as under:

“a) direct the Official Liquidator to release an amount of INR 6,90,324/- (Rupees Six Lakh Ninety Thousand Three Hundred and Twenty Four only) to P.S. Security Services (P) Ltd. against the outstanding bills for the period from 01.06.2020 to 30.06.2021 from the common pool fund.”

5. The learned counsel appearing for the propounders of the Revival Scheme in respect of the respondent company (M/s A.N. Buildwell Pvt. Ltd.) submit that the reply furnished on behalf of propounder no.2 to CA No.369/2020 be also considered as a response to this application.

6. Insofar as the payments claimed by the applicant is concerned, there is no dispute that the applicant is required to be paid for the security services rendered by it. However, there is an issue as to the quality of services that have been rendered. According to the propounders, the security guards deployed by the applicant were not found in uniform at the site. It is also alleged that the number of security guards deployed by the security agency



were less than as claimed. Some of the security guards were permanently residing at the site and it is very doubtful that the guards would have been deployed on shifts, as claimed. Photographs of certain persons, who appear to have set up their temporary residence in the unfinished buildings have been filed along with the reply. It is stated that these persons are security guards.

7. The applicant is claiming that he had deployed guards in three shifts. If this were so, the said security guards were required to be on duty and not temporarily residing inside the premises. If the allegations as stated in the reply filed by the propounder No. 2 are found to be correct, the OL would require to take the necessary steps in this regard to deficiency of service.

8. In view of the above, the OL is directed to examine the allegations made by the propounders and submit a report including the action proposed, if any, against the security agencies, whose services may be found to be deficient.

9. List on 04.05.2022.

CA No.815/2021

10. The applicant in this application state that they are the tenants of certain shops owned by the respondent company (M/s A.N. Buildwell Pvt. Ltd.). The applicant prays that permission be granted to the applicant company to vacate the tenanted premises and handover physical possession of the same to the OL.

11. The learned counsel appearing for the applicant further states that the applicant would deposit the arrears of rent with the OL before handing over possession of the tenanted premises.

12. The learned counsel appearing for the OL states that he has no



objection to the present application being allowed.

13. In view of the above, the application is allowed.

14. The applicant is permitted to handover the property as mentioned in paragraph 5 of the present application within a period of four weeks from today to the OL. The applicant will also deposit the rent till the date of handing over of possession.

15. It is clarified that this is without prejudice to the rights and contentions of the respondent company.

16. The application is disposed of.

VIBHU BAKHRU, J

FEBRUARY 28, 2022

‘gsr’

[Click here to check corrigendum, if any](#)