

**Application Nos.5943 & 5945 of 2025
in
E.P No.1 of 2020**

WEB COPY

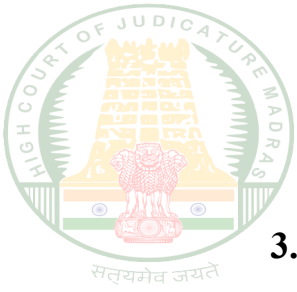
MASTER

19.06.2026

COMMON ORDER

1. There are two applications filed by the applicant/deGREE holder. A.No.5943 of 2025 is filed by the applicant to reduce the upset price of the E.P schedule mentioned property from Rs.2,07,00,000/- to Rs.1,86,30,000/- and to issue fresh proclamation of sale. A.No.5945 of 2025 is filed seeking permission of this court by the applicant/deGREE holder to participate bid for and purchase the E.P schedule mentioned property and consequently dispensed with any requirement of deposit for the purposes of such participation in the auction and permit the applicant/deGREE holder to set off the purchase amount against the amount due under the arbitral award dated 28.06.2017 in the event of the applicant purchasing the property.

2. The story behind these applications are that the decree holder filed the above E.P and brought the property of the Judgment debtor for sale. No one participated in the auction sale conducted by this court on 08.01.2025, subsequent to which the applicant/deGREE holder filed the application in A.No.3173 of 2025 seeking to reduce the upset price of the property of the E.P schedule mentioned property which was allowed by this court by an order dated 28.05.2025 and the upset price was reduced to Rs.2,07,00,000/- and fresh proclamation and sale was ordered. Once again no bids were received for the property in the auction sale conducted by the court on 13.10.2025. Hence, these applications have been filed by the applicant/deGREE holder to reduce the upset price from Rs.2,07,00,000/- to Rs.1,86,30,000/- and also permit him to participate in auction sale and bid for the property under order 21, Rule 72 of C.P.C.



3. The Judgment debtors filed their common counter and stated that no bidder was participated in the auction sale conducted by this court on 08.01.2025 and 13.10.2025, because of worst construction of the said apartment, the decree holder being the developer has constructed the same and even during the pendency of the arbitral proceedings, the Engineer appointed by the arbitrator had filed a report stating the decree holder being the developer did not even complete the construction and file his report quoting the defects and worst construction of the decree holder which was not considered by the arbitrator. Further, the Judgment debtors stated that the present guideline value of the property is now Rs.8,800/- per Sq.ft, whereas the market value of the property is now Rs.15,000/- per Sq.ft being the guideline value of Nungambakkam High Road. If it is calculated to Rs.15,000/- per Sq.ft the present value of the property is at Rs.2,78,00,000/- and so this Hon'ble Court has to fix the upset price without affecting the rights of both the parties. The intention of the decree holder is only to purchase the property for the meagre amount and that is why he has filed these applications to participate in the auction sale. On perusal of the records, it is seen that this court had already considered the Amin value and Engineer value and the upset price was fixed at Rs.2,30,00,000/- on 04.10.2024. Since, no bidder participated in the auction sale conducted by this court on 08.10.2025. Once again considering the submission made by the petitioner/decreed holder in A.No.3173 of 2025 the upset price was reduced to Rs.2,07,00,000/- and auction sale was ordered on 13.10.2025. On perusal of Bailiff report it is seen that even on 13.10.2025 also no bidders participated in the auction sale.

4. The reason stated by the applicant/decreed holder in the supporting affidavit filed along with these applications is that the prospective buyers are disinclined to make any offer at or above Rs.2,07,00,000/- and in these circumstances to prevent further delay in the execution proceedings the upset price may be reduced to Rs.1,86,30,000/- to



attract the competitive bidding while ensuring proposed possible price that can be fetched for the property as well as the applicant/deGREE holder may be permitted to participate in the auction sale and bid for the property. Though the Judgment debtors have stated that the present market value of the property is at Rs.2,78,00,000/- they have not produced any material to substantiate the same. The other contentions raised by the judgment debtors have already been considered by the Arbitrator and an award was passed. Now this Court as an EP Court cannot go beyond the decree.

5. As per the provisions of Order 21, Rule 72 the decree holder shall not participate in the bid without the permission of the Hon'ble Court and if he purchased the property with leave of the court the decreetal amount can be set off against the bid amount. The provisions are very clear and there is no bar for the applicant/deGREE holder to participate in the auction and bid with the permission of the court without paying the advance money and can set off the bid amount with that of the decreetal amount.

6. In the case on hand, the auction sale was conducted on two occasions i.e. on 08.01.2025 and 13.10.2025 on which dates no bidders participated in the auction. Considering the same, this court is inclined to allow the application in A.No.5943 of 2025 and the upset price is fixed at Rs.1,86,30,000/-. Similarly, no prejudice will be caused to the Judgment debtor if the applicant/deGREE holder is permitted to participate in the auction sale and bid. Accordingly, A.No.5945 of 2025 is also allowed and the decree holder is permitted to participate in the auction sale and to bid and the deposit of 25% of the auction sale amount is dispensed with provided the decree holder being declared as a successful bidder. In so far as the prayer seeking permission to set off of the decreetal amount towards the purchase money is contemplated under Order 21, Rule 84 CPC is concerned, this court is of the view that such relief cannot be granted in



anticipation. Further, there is no bar for any other person including this auction purchaser to participate in the bid and the normal procedure will follow.

WEB COPY

In fine, A.No.5943 of 2025 is allowed and the upset price is reduced from Rs.2,07,00,000/- to Rs.1,86,30,000/-.

A.No.5945 of 2025 is allowed in part only with regard to the prayer seeking permission to permit the applicant/decreed holder to participate in auction sale and bid for the property and to dispense with the deposit of 25% if he being declared as the successful bidder. The other prayer with regard to set off the decreetal amount with the purchase money, the applicant is at liberty to approach this Court after he being declared as a successful bidder. No cost.

MASTER