

***M/s Leela Business Venture Pvt. Ltd. M/s Golden Apple Resort
& SPA LPP and others***

COMS No. 1 of 2021

05.12.2022 **Present:** Mr. Sunil Mohan Goel, Advocate, for the plaintiff.
 Mr. Sanjeev Bhushan, Senior Advocate, alongwith
 Mr. Maan Singh Advocate, for defendants No. 1 to 3.
 Mr. Kush Sharma Advocate, for defendant No.4.
 Ms. Usha Singh and Mr. Sanjay Dalmia, Advocates,
 for applicant Phoenix Arc Pvt. Ltd.

OMP No. 850 of 2022 in COMS No. 1 of 2022.

This application has been filed on behalf of applicant Phoenix ARC Private Limited on the ground that Tourism Financial Corporation of India (TFCI), having charge on the suit property for extending loan to defendant No. 1 to 3 has been arrayed as defendant No.4 and now TFCI Limited has assigned its debts due and payable by defendant No.1 through its partner and guarantor alongwith underlying securities thereof in favour of appellant Phoenix ARC Private Limited and therefore, applicant company has first charge on the suit property and thus, its presence would be necessary enabling the court to adjudicate the matter effectively and completely and also for the reasons that, as such assignment is under Section 5(5) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002), provision of SARFAESI Act, shall also be attracted.

At this stage learned counsel for the plaintiff intends to file reply to the application, as this application has been listed in the Court for the first time.

In view of prayer of learned counsel for the plaintiff one week time as prayed, is granted to file reply to the application.

List on **22.12.2022**.

OMP No. 168 of 2022 (U/O 10 CPC)
OMP No. 169 of 2022 U/S 151 of CPC)
OMP No. 41 of 2021

List for consideration on **22.12.2022**.

(Vivek Singh Thakur),
Judge.

05th December, 2022
(subhash)