

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I. A. NO. 11/2017

IN

CIVIL APPEAL NO(S). 9510/2010

NITENDRA GUPTA (D) THR.LRS.

APPELLANT(S)

VERSUS

VIRENDRA GUPTA & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) No. 703/2017

IN

CIVIL APPEAL No. 9510/2010

O R D E R

All the three parties have appeared. It is not judicially determined that these were necessary co-owners of the property bearing No. 87, Sunder Nagar, New Delhi to the exclusion of Meena Sen Gupta. The parties agree that the aforesaid property be sold by open auction in the market and all the three co-owners have undertaken to cooperate in this behalf. The parties also agree that in order to facilitate the sales, a Court Commissioner, preferably a retired Judicial Officer, be appointed for this purpose.

With the consent of all three parties and their learned counsel, we appoint Mr. S.K. Tandon, retired District Judge of District Courts, Delhi who shall take all necessary steps for the sale of the aforesaid property. It transpires that the property in

question still is leasehold property and it has to be converted into freehold before the sale can be effected. For this purpose, it is agreed by all the three co-owners that they will execute and deliver all the necessary documents in this behalf and shall give them to the Court Commissioner not later than one week from the date Mr. S.K. Tandon starts acting as Court Commissioner after information is given to him. For this purpose, he can call a meeting of all the parties.

The appellant-Mamta Gupta who is present in the Court accepts the fact that original lease deed of the property is in her possession.

Mr. Virendra Gupta (respondent no. 1) who is also present in Court has also stated at the Bar that the file containing details of ground rent payable in this case is in his possession. Since these are the documents which are required for mutation of the property and converting the property from leasehold to freehold, the same shall be handed over by the parties to Mr. S.K. Tandon who shall have the custody of these documents.

The Court Commissioner shall advertise widely in leading newspapers across the country for the auction/sale of the property. At the first instance the reserve price shall be Rs.82.00 crores which is the value as fixed by the Court. In case, in the auction, this price is not achieved, then, the Court Commissioner can approach the Court for seeking fixation of fresh price, unless the parties unanimously agree for the revised reserved price.

All costs and expenses including those for the fees of Court Commissioner, mutation, conversion from leasehold to freehold,

advertisement/publicity in newspapers, auction expenses and/or any other expenses related to conversion and/or sale of the property shall be borne by the three co-owners in proportion to their shareholding in the property.

We make it clear that since Meena Sen Gupta has no right or interest in the property, the papers which shall be signed by the three co-owners would constitute sufficient compliance of the formal requirements.

The fee of the Court Commissioner is fixed at Rs. 2.5 lakhs, including other incidental charges which may occur during this exercise, which shall be shared by all the three parties according to their share.

The learned Court Commissioner is expected to follow up the matter with the concerned authorities so that the mutation as well as conversion from leasehold to freehold is done at the earliest.

The Interlocutory Application No. 11 for modification of the Court's order dated 12.01.2017 is disposed of accordingly.

In view of the above, contempt petition stands disposed of and the contemnors are discharged.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
AUGUST 28, 2017.

ITEM NO.5

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I. A. No. 11/2017 in Civil Appeal No(s). 9510/2010

NITENDRA GUPTA (D) THR.LRS.

Appellant(s)

VERSUS

VIRENDRA GUPTA & ORS.

Respondent(s)

(FOR MODIFICATION OF COURT ORDER ON IA 11/2017
FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 12/2017
FOR CHANGE OF ADVOCATE ON RECORD ON IA 13/2017)

WITH

CONMT.PET.(C) No. 703/2017 In C.A. No. 9510/2010 (XIV)
(and IA No.55270/2017-XTRA)

Date : 28-08-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Parties: Mr. Vikas Singh, Sr. Adv.
Mr. Arvind Nayar, Sr. Adv.
Ms. Nanda Devi Deka, Adv.
Mr. Gopal Singh, Adv.
Mr. Devesh Kumar Tripathi, Adv.

Mr. Gagan Gupta, AOR
Mr. Jivesh Nagrath, Adv.
Ms. Garima Prashad, AOR

Respondent-in-person
Mr. M. C. Dhingra, AOR
Mr. Praveen Agrawal, AOR

UPON hearing the counsel the Court made the following
O R D E R

The interlocutory application No. 11/2017 as well Contempt

Petition stands disposed of in terms of the signed order.

Pending application(s), if any, shall be disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER

(MADHU NARULA)
COURT MASTER

(Signed order is placed on the file)