

ITEM NO.102

COURT NO.11

SECTION IV

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

Civil Appeal No(s). 1972/2011

DELHI DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

S.G.G. TOWERS (P) LTD. & ANR.

Respondent(s)

Date : 04-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Mr. Abhinav Mukerji, Adv.  
Mr. Nitin Mishra, AOR  
Ms. Mitali Gupta, Adv.

For Respondent(s) Mr. Harish Malhotra, Sr. Adv.  
Mr. Baldev Krishan, Adv.  
Mr. Dhruv Kapur, Adv.  
Mr. Maharshi Kaler, Adv.  
Ms. Ritika Sethi, AOR

Mr. Anand Sukumar, Adv.  
Mr. S. Sukumaran, Adv.  
Mr. Bhupesh Kumar Pathak, Adv.  
Mrs. Ruche Anand, Adv.

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

After arguments were heard for some time of the learned counsel appearing for the appellant, the learned senior counsel appearing for the first respondent and the learned counsel appearing for the second respondent, this Court noticed that the first respondent while filing an application bearing Company Application No.744 of 2000, showed willingness to pay the unearned income in terms of the Resolution No.S/2(31)(57) of the Delhi

Development Authority in respect of a transaction of auction. Therefore, we posed a query to the learned senior counsel appearing for the first respondent about the payment of unearned income based on the first transaction of transfer between M/s. Mehta Construction and Industrial Corporation and M/s. Pure Drinks Limited. The learned senior counsel appearing for the first respondent seeks time to take instructions from the first respondent.

We permit the appellant to implead Mr. Prashant Baliyan, Provisional Liquidator, Office of the Official Liquidator, Ministry of Corporate Affairs, Corporate Bhawan, Plot No.4B, Second Floor, Sector 27B, Madhya Marg, Chandigarh-160019, as party respondent.

The amended cause title be filed within three days from today.

Issue notice to the newly added respondent.

Mr. Prashant Baliyan, Provisional Liquidator, will have to make a statement about the availability of the amount deposited by the first respondent pursuant to the auction and, if such amount is available, whether it has been invested in a fixed deposit.

As the service of notice will take time, we direct the appellant to inform Mr. Prashant Baliyan to appear before this Court on the next date of hearing by forwarding a copy of this order to him.

We also direct the appellant to communicate to the learned counsel for the first respondent the amount payable in respect of both the transactions.

List on 18<sup>th</sup> October, 2023, as part-heard matter at the top of the Cause List.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)