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

+ **OMP (ENF.) (COMM.) 150/2019**

MS. AFSHAN JAPANWALA IQBAL & ANR..... Decree Holders
Through: Mr Gaurav Duggal, Advocate.

versus

GILLI INDIA LTD. & ANR. Judgement Debtors
Through: Mr Shlok Chandra with Ms Mansie
Jain, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.02.2021**

EA No. 1251/2020

1. This is an application filed on behalf of the Decree Holder, *inter alia*, praying that an advocate or an officer of this Court be appointed authorizing him to dispose of the items as specified in the list appended to the present application.

2. The premises in question was leased by the Decree Holder to Judgment Debtor no.1 (M/s. Gilli India Ltd.). It is stated that Judgment Debtor no.1 failed to pay the rental of the same. The said dispute was referred to arbitration. The Arbitral Tribunal, as constituted, has entered an Award dated 03.05.2019, in favour of the Decree Holder. In terms of the said Award, the Decree Holder is entitled to recover the peaceful vacant possession of the premises in question (premises bearing no. 58, Janpath,

First Floor, New Delhi admeasuring 2750 sq. feet). In addition, the Arbitral Tribunal has also awarded a sum of ₹1,26,21,124/- in favour of the Decree Holder along with simple interest at the rate of 18% per annum till the date of payment.

3. In view of the above, there is no dispute that the Decree Holder is entitled to recover possession of the said premises in question. In compliance with an order dated 11.12.2019 passed by this Court, the Decree Holder has received the second set of keys for the said premises. The other set of keys are currently with the SHO, PS Barakhamba Road.

4. Insofar as the possession of the premises is concerned, since the Decree Holder is undisputedly the owner of the said premises, the possession of the same must be handed over to the Decree Holder in order to enable the Decree Holder to use it without any impediment.

5. Since certain articles belonging to Judgment Debtor no.1 are also kept in the said premises (which are listed in the list appended to the present application as Doc 2), it will be necessary for them to remove those articles.

6. The said articles as listed in Doc-2 are, hereby, attached.

7. It is seen that the bulk of articles would not be of any substantial value. Further, certain articles such as computers, monitors and keyboards are also likely to lose their value on account of being obsolete. In view of the above, this Court considers it apposite to direct the sale of the said items (except safes).

8. Mr Satinder Pal Singh Premi, Advocate (Mobile No. 9910390959), is

appointed as the Local Commissioner. He shall verify the inventory of the items, as set out in the list (Doc-2). He shall ascertain the estimated saleable value and dispose of the same by an open bidding process. Notice inviting bids shall be published on the website of the Official Liquidator attached to this Court. A report regarding the bids received shall be filed before the Court and the acceptance of the bids shall be subject to orders of this Court.

9. It is seen that the items include safes (four big safes and ten small safes), however, the said safes shall not be put to sale.

10. The Local Commissioner shall take steps to get the safes opened, and if necessary, break open the same. The same shall be done in the presence of the SHO, PS Barakhamba Road. The Local Commissioner shall make an inventory of the items in the safe and in case, any valuables are found in the safe, the same should be sealed by the SHO, PS Barakhamba Road and the said seal shall be handed over to the Local Commissioner, who shall safe keep the same. These safes shall be deposited with the *malkhana* of the concerned police station (PS Barakhamba Road).

11. The Local Commissioner shall also send a communication regarding the estimated value of the articles to be sold and inventory of the valuables (if any) found in the safes to the Enforcement Directorate and this Court is informed that the proceedings have also been initiated by the Enforcement Directorate in respect of Judgment Debtor no.1.

12. The fee of the Local Commissioner is fixed at ₹1,00,000/-. In the first instance, the same shall be borne by the Decree Holder. The same would be recovered from the value realised from the sale of the said

movable property. If the safes are empty and no valuables are found inside the safes, then the safes may also be sold by inviting bids along with other articles.

13. List on 10.03.2021.

FEBRUARY 11, 2021
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VIBHU BAKHRU, J