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

+ **EX.P. 67/2022**

**GENESIS FINANCE SERVICE  
CO LIMITED**

.....Decree Holder

Through: Mr. Tishampati Sen and Mr.  
Hemant Sharma, Advs. with Mr. Vinod  
Tayal, AR of Decree Holder

versus

**USHA BANSAL AND ANR**

.....Judgment Debtors

Through: Ms. Aparna Gupta, Adv. for  
Auction Purchaser

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**  
**05.09.2024**

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**EX.APPL.(OS) 1258/2024**

1. By order dated 12 December 2023, this Court directed sale of the properties situated at No. 1722, 1723, 1724 and 1725 Dariba Kalan, Chandni Chowk, Delhi-110006 towards satisfaction of Settlement Agreement PIM No. 13/2022 dated 14 March 2022, drawn up under the aegis of the Delhi High Court Mediation and Conciliation Centre.

2. The said order was carried to the Supreme Court by way of SLP (C) 17392/2024, which was dismissed by the Supreme Court by order dated 5 August 2024.

3. As such, the direction for sale of the aforesaid properties stands



confirmed and upheld by the Supreme Court.

4. On 16 May 2024, a court auctioneer was appointed by this Court to conduct auction of the aforesaid properties. The court auctioneer conducted sale of the properties on 3 July 2024.

5. Consequent thereon, the court auctioneer has filed Ex. Appl (OS) 1116/2024 in which it has been pointed out that the auction purchaser has duly deposited the purchase consideration *vide* the following demand drafts:

DD No.	Date	Amount
513676	02.07.2024	₹ 19,00,000
513675	02.07.2024	₹ 31,00,000
847676	03.07.2024	₹ 25,00,000
510099	03.07.2024	₹ 50,00,000
510100	03.07.2024	₹ 1000
513679	12.07.2024	₹3,75,00,000

6. By this application, therefore, the petitioner decree holder seeks confirmation of the sale of the aforesaid properties and release of the auction money in favour of the decree holder.

7. Accordingly, the sale of the aforesaid properties by the learned court commissioner on 3 July 2024 for an amount of ₹ 5,00,01,000/- stands confirmed.

8. Let the amount covered by the aforesaid six demand drafts deposited by the auction purchaser with the Registry of this Court be



released to the petitioner forthwith. Subject to the directions contained in paras 16 & 17 *infra*.

9. The application stands allowed accordingly.

**EX.APPL.(OS) 1297/2024**

10. This is an application by the auction purchaser who has purchased the aforesaid properties against an amount of ₹ 5,00,01,000/-, as noted *supra*, seeking conformation of sale and issuance of sale certificate in favour of the auction purchaser.

11. The auction of the properties already stands confirmed by the order passed today.

12. Let a sale certificate be issued in favour of the auction purchaser as sought in this application.

13. The application stands disposed of.

**EX.APPL.(OS) 1116/2024**

14. This is an application by the court auctioneer seeking release of the percentage of the commission for conducting the auction of the properties in accordance with para 22(ii) of Chapter XII of Delhi High Court Rules which reads thus:

“(ii) If the sale is conducted by the Court Auctioneer, 80 per cent of the commission will be paid to him and 20 percent will be paid into the treasury to the credit of Government. All incidental expenditure shall be met by the Auctioneer.”



15. Applying the formula envisaged in para 22(ii) of Chapter XII of Delhi High Court Rules, the amount payable to the court auctioneer in the present case would be ₹ 10,00,120/- and an amount of ₹ 2,50,030/- would be credited into the Government Treasury.

16. As such, the court auctioneer is entitled to release of an amount of ₹ 10,00,120/-. This amount, according to para 22(ii), is to be deducted from the sale proceeds of the property.

17. Accordingly, while releasing the sale proceeds to the petitioner in accordance with the order passed *supra*, the Registry would release to the petitioner the sale proceeds less ₹ 10,00,120/- which shall be released in favour of the court auctioneer.

18. The application stands allowed in the aforesaid terms.

**EX.APPL.(OS) 1305/2024**

19. By this application, the petitioner seeks a direction to the judgment debtors to file a fresh affidavit of assets.

20. The prayer is justified.

21. Issue notice to the judgment debtors.

22. In the meanwhile, the respondent is directed to file a fresh certificate of assets in terms of Order XXI Rule 41 read with Form 16A in appendix, within a period of two weeks from today.



23. Re-notify on 25 November 2024.

**C.HARI SHANKAR, J**

**SEPTEMBER 5, 2024**

*dsn*

*Click here to check corrigendum, if any*