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

+ CO. PET. 704/2014

SH. AMARPREET SINGH OBEROI & ORS..... Petitioners  
Through

versus

M/S. A.N. BUILDWELL PVT. LTD. .... Respondent  
Through Mr. Shubhendu Bhattacharyya, Adv.  
for Mr.Kunal Sharma, Adv for the OL.  
Mr.Rahul Sharma and Mr.Nitin Chahar, Advs. for  
ex-management.  
Mr.Prashant Bhushan, Adv. with Ms.Puja Jainnd  
Mr. Pankaj Prasad, Advs. with Ms. Renuka  
Kulkarni for SELFC in CA No. 450/2018  
Mr.Murari Tiwari, Mr. Rahul Kumar and  
Mr.Shivam Malhotra, Advs. for the applicant  
Manish Kr. Dubey in Co. Appl. 260/2019.

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
**31.10.2019**

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**CA No. 450/2018**

1. This application is filed by Spire Edge Maintenance & Lease & Facilitation Ltd. It is the case of the applicant that out of 6,58,000 shares approximately 5,41,740 share have been allotted to the buyers/allotees of Blocks B, C and D of the Spire Edge Project of the respondent Company. The remaining shares are also supposed to be held by the applicant herein though are presently being held by the Promoter Directors/the respondent



Company. It is stated that the object of incorporating the applicant company was the operation, leasing, management and maintenance of Blocks B, C and D of the Spire Edge Project of the respondent Company.

2. It is the grievance of the applicant that despite the fact that the said Blocks B, C and D are substantially ready, actual physical possession and registration of some of the flats has not been done in favour of the buyers. It has been pointed out that out of the flats which have been constructed possession of 1,040 flats on papers has been handed over to the allottees. Registration in favour of the allottees has been done with regard to 732 flats. 58 flats are said to be unsold. The applicant and the learned counsel appearing for the ex-management agree on these figures. The OL may check these figures.

3. It has been prayed that the vacant physical possession of the flats/space be handed over to the allottees without prejudice to the rights and contentions of the allottees.

4. In my opinion as the possession is said to have been handed over prior to the appointment of the Official Liquidator as the Provisional Liquidator on 08.03.2016, the allottees would be entitled to take actual vacant physical possession of the flats on 'as is where basis' without prejudice to their rights and contentions.

5. A complete list of these allottees has been filed by the ex-management in Co. Pet. 6/2019. Let a copy of that list be placed on record within one week from today with a copy to the learned counsel for the OL. The OL will check same.

6. List for further orders on 06.12.2019.

7. In the meantime, the OL will also carry out an inspection of the



Blocks B, C and D and file a report regarding the physical condition of the building/flats. Necessary photographs shall also be taken and placed on record along with the report.

**OCTOBER 31, 2019/rb**

**JAYANT NATH, J.**