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

+ **CO.PET. 668/2014**

ABHINANDAN KUMAR JAIN

.....Petitioner

Through: Mr. Arvind Chaudhary and Mr.
Sachin Chaudhary, Advocates
Mr. Inderdeep Singh, Advocate

versus

MVL LIMITED

.....Respondent

Through: Mr. Ankit Jain and Mr. Pratap Singh,
Advocates for Ex-Management
Mr. Paramvir Singh Narang, Mr.
Deepak K. Mishra and Mr. Monu
Kumar, Advocates in CO.APPLs.
1106/2018, 25/2019, 26/2019
Ms. Babita Seth, Advocate for
applicant in CA NO. 515/23,
516/2023 AND 518/2023
Mr. Arvind Chaudhary, Advocate for
applicant
Mr. Rishi Manchanda, Standing
Counsel for the Official Liquidator
Mr. Dharamvir Singh, Mrs. G. S.
Bhatia and Mrs. Birhmwati Singh,
Advocates in CO. APPL. 530/2023
Ms. Meghna Kar, Advocate for
applicant
Mr. Vinit Trehan and Mr. Yash
Srivastava, Advocates for applicant
Mr. Rashi Bansal and Ms. Kriti Dang,
Advocates for applicant
Mr. Rachit Devgun and Ms.
Sugandha Sharma, Advocates for
SEBI in C.A. No. 536 of 2020



Ms. Anshika Maheshwari, Advocate
for Applicant-Mr. Madan Verma in
CA no. 312/2024

Mr. Arvind Sharma, Advocate for
Applicant/Flat Buyer in Ca No
722/20, 738/20, 379-23 & 380/23 -
Applicant/Flat Buyer -Surender K
Khokha

Mr. Deepak Kumar, Advocate for
applicant-Ajit Singh in CA.
No1039/2019

Mr. Mohit Gupta, Mr. Seemab Ali
Fatima, Mr. Naresh Yadav, Ms. Pooja
Kaushik, Ms. Shrishti Ghanwaly, Mr.
Garvit Ghavri and Ms. Vibhuti Garg,
Advocates

Mr. Rajeev Chhibber and Ms. Kiran
Saini, Advocates for Applicant-Sunita
in Co. Appln. No. 516/24

Ms. Suman Yadav and Mr.
Arkaprava Dass, Advocates for
Appellant in C.A No. 667-669/2023
Mr. Paramvir Singh and Mr. Narang
Advocates alongwith Mr. Monu
Kumar and Mr. Deepak Mishra,
Advocates for Applicant in
Application no.1106 of 2018

Mr. Side Kunal Sabharwal, Advocate
in Co Pet 668/2014 (Through VC)

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **06.08.2024**

CO.APPL. 761/2018 (exemption)

Exemption allowed subject to just exceptions.



The application stands disposed of.

CO.APPL. 809/2018 (delay in re-filing)

Learned counsel appearing on behalf of the applicant submitted that nothing is left for further adjudication in the instant application. Thus, it may be dismissed as rendered infructuous.

In view of the above, the instant application stands dismissed as rendered infructuous.

CO.APPL. 759/2018 (for recalling of order dated 5th July, 2018)

Learned counsel appearing on behalf of the applicant submitted that nothing is left for further adjudication in the instant application. Thus, it may be dismissed as rendered infructuous.

In view of the above, the instant application stands dismissed as rendered infructuous.

CO.APPL. 760/2018 (direction)

Learned counsel appearing on behalf of the applicant submitted that nothing is left for further adjudication in the instant application. Thus, it may be dismissed as rendered infructuous.

In view of the above, the instant application stands dismissed as rendered infructuous.

CO.APPL.1049/2018 (seeking permission to deposit the amount in terms of the settlement agreement dated 21st August, 2018)

Learned counsel appearing on behalf of the applicant submitted that the instant application may be disposed of with liberty to the applicant to file afresh, if required, at an appropriate stage.

In view of the above, the application stands disposed of with liberty as prayed for.



CO. APPLs.1106/2018, 25/2019 & 26/2019

1. Learned counsel appearing on behalf of the Ex-Management prayed for four weeks further time to file reply.
2. Learned counsel appearing for the applicant vehemently submitted that in spite of several opportunities, the Ex-Management has chosen not to file the reply, therefore, their right to file the reply may be closed.
3. Since learned counsel appearing on behalf of the Ex-Management, on instructions, undertakes to file reply within four weeks, let him do so within four weeks as last opportunity, failing which costs of Rs.50,000/- shall be paid. Rejoinder, if any, be filed within two weeks thereafter.
4. List on 16th October, 2024.

CO.APPLs. 723/2020 & 738/2020

1. Learned counsel appearing on behalf of the applicant submitted that vide notice dated 11th May, 2024, the Ex-Management had asked for depositing the interest. It is prayed that the applicant should be given an opportunity to resolve the dispute regarding payment of interest before the Official Liquidator in presence of the Ex-Management.
2. Learned counsel appearing on behalf of the applicant further submitted that in view of the above facts and circumstances, these applications may be disposed of with liberty to file afresh, if nothing happens before the Official Liquidator.
3. Learned counsel appearing on behalf of the Ex-Management, on instructions, submitted that he has no objection to appear before the Official Liquidator to resolve all the disputes between the Ex-Management and the applicant.
4. In light of the aforesaid submissions and no objection on behalf of the



learned counsel appearing on behalf of the Ex-management, the Authorized Representative of the applicant and the Ex-Management is directed appear before the Official Liquidator for the purpose as stated above on 21st August, 2024.

5. The Official Liquidator is directed to try and resolve the dispute in presence of both the parties and file a status report before this Court before the next date of hearing.

6. The instant applications are disposed of with liberty as prayed for.

CO.APPL. 679/2024 (Seeking dir. not to interfere with the completion of the construction)

1. The instant application under Rule 9 of the Companies (Court) Rules, 1959 has been filed seeking the following reliefs:

“1. Direct the said Association not to interfere with the completion of the construction/affairs of the Ex-management at the site of the MVL LTD and further direct the Ex-management to operate its office at the site.

2. Restrain the said Association from raising any illegal demands from the allottees prior to the date from which the said allottees have taken possession or registry of their respective flats/units, which-ever is later.

3. Direct that the Management of the project MVL Coral situated at Bhiwadi Rajasthan be handed over to the Ex-Management under the supervision of the Official Liquidator till completion of the complete project.

4. Direct the Ex-Management to appoint legal Resident Welfare Association after completion of MVL Coral - 4 project.

5. Direct the Ex-Management to complete the Coral project as per the sanctioned plan...”

2. Learned counsel appearing on behalf of the applicant submitted that vide orders dated 17th March, 2023, 17th April, 2023 and 19th October, 2023,



the Predecessor Bench of this Court had granted permission to the Ex-Management to handover possession and transfer the title deeds of various flats/units of the project namely MVL Coral. It is submitted that vide the above said orders, the Predecessor Bench of this Court further directed the Ex-Management to execute the sub-lease deed and hand over the physical possession of the flats/units of the aforesaid project to the allottees.

3. Learned counsel appearing on behalf of the applicant submitted that to comply with the above said directions passed by the Predecessor Bench of this Court, the illegal and unlawful association namely MVL Residents' Welfare Society is creating major hurdle, portraying itself to be a lawful resident welfare association of MVL Coral.

4. Learned counsel appearing on behalf of the Ex-Management submitted that above mentioned Welfare Society is illegally demanding maintenance by the owners and allottees of the said project, and also interfering in the execution of the order and directions passed by the Predecessor Bench of this Court. Therefore, the Ex-Management is not able to comply with/execute the directions passed by the Predecessor Bench of this Court.

5. Learned counsel appearing on behalf of the investors and owners has also supported the arguments and contentions made by the learned counsel appearing on behalf of the Ex-Management as well as the contents made in the application.

6. Heard learned counsel appearing on behalf of the parties and perused the contents made in the application.

7. In view of the aforesaid facts and circumstances, the following directions are passed by this Court:



- a. The office bearers of MVL Coral are injuncted from interfering in the compliance with/execution of the orders/directions of the Predecessor Bench of this Court.
- b. The MVL Residents' Welfare Society is directed not to interfere in the compliance with/execution of the orders/directions passed by the Predecessor Bench of this Court which is to be undertaken by the Ex-Management.
- c. It is made clear that the MVL Residents' Welfare Society is not entitled to charge or demand any money from any owner or allottees of the aforesaid society/project.
- d. Accordingly, the Superintendent of Police, P.S., Bhiwadi is directed to ensure that the orders/directions passed by the Predecessor Bench of this Court, shall be complied with.
- e. Further, if any person has grievances after the passing of the instant order, he shall have the liberty to approach this Court as well as file a criminal complaint against the aforesaid association, before the concerned Police Station.
- f. The Registry is directed to send a copy of this order to the Superintendent of Police, P.S., Bhiwadi for any purpose.

8. List on 16th October, 2024.

CO.APPL. 1040/2015, CO.APPL.1049/2018, CO.APPL. 1106/2018, CO.APPL. 121/2019, CO.APPL. 403/2019, CO. APPL. 718/2019, CO.APPL. 729/2019, CO.APPL. 965/2019, CO.APPL. 1039/2019, CO.APPL. 1042/2019, CO.APPL. 536/2020, CO.APPL. 632/2020, CO.APPL. 635/2020, CO.APPL. 650/2020, CO.APPL. 371/2021, CO.APPL. 215/2022 , CO.APPL. 313/2022, CO.APPL. 314/2022, CO.APPL. 549/2022, CO.APPL. 561/2022, CO.APPL. 589/2022, CO.APPL. 590/2022, CO.APPL. 116/2023, CO.APPL. 515/2023,



**CO.APPL. 516/2023, CO.APPL. 518/2023, CO.APPL. 741/2023,
CO.APPL. 858/2023, CO.APPL. 859/2023, CO.APPL. 32/2024,
CO.APPL. 194/2024, CO.APPL. 195/2024, CO.APPL. 196/2024,
CO.APPL. 197/2024, CO.APPL. 198/2024, CO.APPL. 239/2024
CO.APPL. 240/2024, CO.APPL. 241/2024, CO.APPL. 242/2024,
CO.APPL. 514/2024, CO.APPL. 516/2024, OLR 26/2022, OLR 33/2023,
OLR 94/2023, CO. APPL. 991/2017, CO. APPL. 992/2017, CO. APPL.
993/2017, CO. APPL. 219/2022, CO. APPL. 193/2023, CO. APPL.
530/2023, CO. APPL. 667/2023, CO. APPL. 668/2023, CO. APPL.
669/2023, OLR 85/2023, OLR 86/2023, OLR 14/2023**

List on 16th October, 2024.

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During the course of the arguments, it has been submitted by learned counsel appearing for the investors/home buyers that premises/flats are not in habitable condition.

Accordingly, the Official Liquidator is directed to visit the premises/flats in MVL Coral, MVL Indi Homes, MVL IBC and MVL Palms and file a status report before the next date of hearing, in light of the above submission made by learned counsel appearing for the investors/home buyers.

The Ex-Management is directed to cooperate with the Official Liquidator while carrying out inspection of the abovementioned premises/flats.

List on 16th October, 2024.

CHANDRA DHARI SINGH, J

**AUGUST 6, 2024
dy/na/gs/ryp**

Click here to check corrigendum, if any