

Amit Khaneja And Ors vs Il & Fs Financial Services Ltd on 5 August, 2020

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3580/2020 & CM APPLs. 12727/2020, 12728/2020, 12729/2020

AMIT KHANEJA AND ORS

..... Petitioner

Through: Mr. Gopal Jain, Sr. Advocate,
Mr. Vivek Jain, Mr. Zulfiqar Menon
(9990252039)

versus

IL & FS FINANCIAL SERVICES LTD.

..... Respondent

Through: Mr. Rajeev Mehra, Sr. Advocate,
Mr. Atul Sharma, Mr. Abu Mathew, Mr. Subhash Chand Baiju Mathew, Advocates and
Ms. Evneet Uppal, AR (M-9819930653)
Mr. Sudhir K. Makkar, Sr. Advocate,
with Ms. Saumya Gupta, Advocate,
for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 05.08.2020

1. The hearing has been held through video conferencing.

2. Further to the last order, the progress in the due diligence to be conducted by M/s Puran Associates Pvt. Ltd. i.e. Respondent No.2 was to be reported. It is submitted by Mr. Sudhir K. Makkar, Id. Senior Counsel for Respondent No. 2 that an application along with additional documents has been filed yesterday. However, the same is not on record. His submission is that the Director/CEO/Authorised Representative of Respondent No. 2 - Mr. Abhay Aggarwal was detected with COVID-19 and had to be hospitalized. Accordingly, there was a delay in commencement of due

diligence. The documents that are stated to have been filed are not before this Court, so the Court is unable to review the same. Mr. Makkar, ld. counsel prays for extension of further one month beyond what was earlier sought, in order to complete the due diligence.

3. Mr. Gopal Jain, ld. Senior Counsel, appears on behalf of the Petitioner and prays that a period of three weeks may be given as a last opportunity.

4. Mr. Rajeev Mehra, ld. Senior Counsel, appearing for Respondent No.1 i.e. IL&FS vehemently opposes the request for an adjournment. On the basis of the documents served upon him, he submits that the entire process is not bonafide. He submits that M/s Puran Associates is conducting business actively as it has recently invested in a major manufacturer and the illness of the director has not impeded its other activities. He further submits that another company called M/s Milky Investment and Trading Company of which Mr. Abhay Aggarwal is one of the Directors has filed an application before the Debt Recovery Tribunal (hereinafter 'DRT') in respect of the Anand Lok property of the Petitioner i.e. 3, Anand Lok, which is also one of the properties for which due diligence was to be conducted.

5. He submits that the mere appointment of a lawyer for conducting due diligence of five properties, namely in Anand Lok, Chhatarpur, Bhopal, Jalandhar and Amritsar would not show any progress made by Respondent No. 2. No valuation of the properties has been conducted despite lapse of more than a month.

6. In view of the competing stands of the parties, this Court would like to have a specific affidavit from M/s Puran Associates, sworn by Mr. Abhay Aggarwal, on the following issues:-

i) The exact status of the due diligence and enquiries conducted in respect of the properties and whether the company would be standing by its letter dated 4th November, 2019, by which sanction was given to the corporate loan;

ii) Whether Mr. Abhay Aggarwal is a Director or has any control or interest in M/s Milky Investment and if any application has been moved before the DRT in respect of the property i.e. 3, Anand Lok by the said company? If so, copies of the relevant pleadings and orders passed by the DRT as also the status of the said proceedings.

iii) Interest of Mr. Abhay Aggarwal in any of the other properties of the Petitioner either in his individual capacity or through any other company in which he or his family members have any interest.

7. Let the affidavit be filed within two weeks. This will be the last and final opportunity. The application and documents that are stated to have been filed, to be brought on record by the next date. Let the amended memo of parties be filed within a period of two weeks.

8. List on 31st August, 2020 at the end of the board.

9. Interim orders to continue till the next date of hearing.

PRATHIBA M. SINGH, J.

AUGUST 05, 2020 Rahul/A