

Defendant No.1) August, 2019-By ... vs Shri Deepak Gupta & Ors on 15 September, 2020

Author: Mukta Gupta

Bench: Mukta Gupta

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 3416/2015

I.A. 24950/2015 (under Order XXXII Rule 3 C

I.A. 3474/2016 (under Order XXXII Rule 4 an
Defendant No.1)

I.A. 10194/2019 (under Section 151 CPC-by d

I.A. 15011/2019 (delay in filing affidavit
August, 2019-by defendant No.1)

I.A. 15012/2019 (under Order VIII Rule 1A C

I.A. 1435/2020 (under Section 151 CPC-by de

I.A. 5235/2020 (under Order XXXIX Rule 2A C
No.2 against defendant No.1)

I.A. 5882/2020 (under Section 151 CPC for r
by defendant No.2)

I.A. 5916/2020 (under Section 151 CPC-by de

SHRI O P GUPTA & ORS

Represented by:

Mr.Arvind N
(Amicus Cur
Mr.R.K. San
plaintiff N
person thro

versus

SHRI DEEPAK GUPTA & ORS.

Represented by: Mr.Saurabh Kirpal,
and Mr.Sourabh Mal
for defendant No.1
No. 1 in person th
conferencing.
Mr.Neeraj Gupta, A
defendant No.2 wit
in person through
Mr.Anirudh K. Gand
defendant No.4/Dr.

Signature Not Verified
Digitally Signed By:SANDEEP
KUMAR
Signing Date:15.09.2020 19:10:06

CS(OS) 3416/2015

This file is digitally signed by PS
to HMJ Mukta Gupta

Mr. Shyam A
No. 5
Mr. Pranav G
Commissioner

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 15.09.2020 The hearing has been conducted through Video Conferencing. CS(OS) 3416/2015 I.A. 5235/2020 (under Order XXXIX Rule 2A CPC-by defendant No.2 against defendant No.1) I.A. 5882/2020 (under Section 151 CPC for release of court deposit-by defendant No.2) I.A. 5916/2020 (under Section 151 CPC-by defendant No.4)

1. It appears that parties were making headway in negotiations but now a revised draft of settlement has been sent on behalf of plaintiff No.3 and defendant No.2 to Mr. Arvind Nigam, learned Senior Advocate which appears to be indicating that the two parties are taking a different course of action than the one broadly agreed. It is thus necessary that the parties sit together with Mr. Arvind Nigam, learned Senior Advocate who is mediating in the matter.

2. Mr. Arvind Nigam, learned Senior Counsel states that the parties can meet in his office on 17th September, 2020 at 6.00 PM, when the plaintiff No.3, defendant No.1 and defendant No.2 will be personally present besides their learned counsels.

3. Learned Local Commissioner points out to a typographical error which has crept in the last sentence of the para-2 of the order dated 26th August, 2020. In view of the clarification given by the learned Local Signing Date: 15.09.2020 19:10:06 This file is digitally signed by PS to HMJ Mukta Gupta Commissioner on factual aspect, last sentence of para-2 of the order dated 26th August, 2020 will be now read as:

"Learned Local Commissioner also states that on 24th August, 2020, plaintiff No.3 informed him to come as a prospective buyer had come to inspect the first floor and second floor of the suit premises, and when the Local Commissioner reached the property, the prospective buyer was not present and hence in his presence there was no denial of access to the first floor and the second floor of the suit property by defendant No.1."

4. List the suit and applications on 1st October, 2020. I.A. 5916/2020 (under Section 151 CPC-by defendant No.4/Dr. Lal Path Lab)

1. By this application, filed on behalf of Dr. Lal Path Lab, who was erstwhile tenant in part of basement and ground floor of the suit property and has since vacated, the applicant seeks refund of the security amount deposited by the said defendant No.4, minus the outstanding rent and the GST that was payable.

2. Learned counsel for the defendant No.4 states that the defendant No.4 was paying GST pursuant to the defendant No.1 raising the invoices however, since the defendant No.1 has not raised the invoices, no GST could be deposited. According to learned counsel for the defendant No. 4, the amount of security deposited by the defendant No.4 with defendant No.1 was 23,70,000/-. The outstanding rent towards defendant No.4 is 16,27,970/- and the amount required to be paid as GST is 2,41,315/-.

3. Since the GST needs to be paid by defendant No.4, to overcome the present situation between the parties, without prejudice to the rights and Signing Date:15.09.2020 19:10:06 This file is digitally signed by PS to HMJ Mukta Gupta contentions of the plaintiff No.3, defendant No.1 and defendant No.2, defendant No.1 is directed to raise the invoices on defendant No.4 so that, based thereon, the defendant No.4, that is, Dr.Lal Path Lab will deposit the GST amount and will hand over the original challans/receipts thereof to the learned Local Commissioner and deposit the copies thereof with this Court.

4. List this application on 1st October, 2020.

5. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

SEPTEMBER 15, 2020 'vn' Signing Date:15.09.2020 19:10:06 This file is digitally signed by PS to HMJ Mukta Gupta