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

+ **EX.P. 21/2019 & EA No.111/2019 (u/O XXI R-41 CPC).**

**THE UNIWORLD GARDEN APARTMENT  
OWNERS ASSOCIATION**

..... Decree Holder

Through: Ms. Meghna Mishra, Mr. Jatin  
Mongia, Mr. Rohan Sharma, Mr.  
Dheeraj P. Deo and Mr. Raghuveer  
Kapur, Advs.

versus

**UNITECH REALTY PVT. LTD.**

..... Judgement Debtor

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **15.03.2019**

**EA No.112/2019 (for exemption).**

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

**EX.P. 21/2019 & EA No.111/2019 (u/O XXI R-41 CPC).**

3. Execution is sought of a money decree for Rs.17,76,64,952/- with interest.
4. I have enquired from the counsel for the decree holder, whether not there is an order of the National Company Law Tribunal (NCLT) with respect to all companies of Unitech Group, as the judgment debtor is.
5. The counsel for the decree holder states that there is an order of the Supreme Court restraining coercive steps against all companies of Unitech Group and further confirms that the judgment debtor is a company of the Unitech Group. He however states that the said order does not come in the way of the proceedings going on and/or initiation of proceedings. It is

further stated that in a winding up petition filed by the decree holder against the judgment debtor, there is an order for deposit of a sum of Rs.10.71 crores in this Court and which has been deposited by the judgment debtor and the said amount has been released to the decree holder subject to furnishing security and which the decree holder has furnished and the decree holder in this Execution is seeking a order for discharge of the Bank Guarantee furnished by way of security.

6. The aforesaid arguments are misconceived.

7. Discharge of a security furnished in one proceeding, cannot be sought in another proceeding. The application if any for discharge of bank guarantee furnished has to be filed in the winding up proceedings only.

8. Same is the position with respect to the other arguments urged by the counsel for the decree holder. Once the Supreme Court has directed that no coercive steps are to be taken including against the judgment debtor, the filing of this Execution is inexplicable. In execution proceedings, only coercive steps are to be taken and ordinarily there is no adjudication required as in a suit.

9. The counsel for the decree holder withdraws the Execution Petition with liberty to take appropriate steps.

10. No liberty is required.

Dismissed as withdrawn.

**RAJIV SAHAI ENDLAW, J**

**MARCH 15, 2019**

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