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

+ **CONT.CAS(C) 121/2022 & CM APPL. 24834/2022**

**BURLINGTON LUXURY BRANDS PRIVATE LIMITED AND
ORS.**

..... Petitioners

Through: Mr. Gaurav Gupta, Mr. Nikhil and
Ms. Akshaya Ganpath, Advocates.

versus

GENESIS FINANCE COMPANY LTD AND ANR. Respondents

Through: Mr. Shubhanshu Gupta, Adv. and Mr.
Vinod, Authorised Representative.

M: 9958855177

Email:

shubhanshu@prakantlawoffices.com

Mr. Abhinav Singh, Ms.
Swega Agarwal, Advocates for Delhi
Police.

Insp. Sandeep Kumar PS. Vasant
Vihar.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.05.2024

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1. The present petition has been filed alleging willful disobedience of the undertaking and judgment dated 23rd November, 2021 passed by a Coordinate Bench of this Court in *Execution Petition No. 39/2021*.

2. In terms of the aforesaid judgment dated 23rd November, 2021, the petitioners have already paid an amount of ₹ 7.21 crores to the respondents. Subsequently, the respondents were to release all the original documents,



including No Objection Certificates (“NOCs”) and post dated cheques, as mentioned in the Settlement Agreement dated 5th June, 2020, to the petitioners.

3. When the matter was listed for hearing on 13th May, 2024, this Court had taken note of the fact that in Para 12 of *CM APPL. 24834/2022*, certain list of documents had been given, which were required to be handed over to the petitioners, in terms of the Settlement Agreement dated 05th June, 2020.

4. By way of the aforesaid order, this Court had further noted that except the document, i.e., the original sale deed of the property in question, i.e., Plot No. 91, 200 Sq. Yards, Rampuri, Ghaziabad, UP, all other documents had been supplied to the petitioners. Further, the respondents had drawn the attention of this Court to the order dated 13th December, 2023 passed by this Court, wherein, it is clearly recorded that all the documents, except one, i.e., the original sale deed of the aforesaid property in question, have been handed over to the petitioners. The order dated 13th December, 2023, reads as under:

“xxx xxx xxx

CM APPL. 24834/2022

1. *This is an application for allowing the respondents to handover the documents available with them to the petitioner.*

2. *The documents mentioned in para 12 at serial No. 1 to 8 has been handed over to Mr. Gupta, learned counsel for the petitioner. Documents at serial No. 9 i.e. the original sale deed of the property has been seized by the Delhi Police in FIR No. 445/2020.*

3. *It is stated by Mr. Shubhanshu Gupta, learned counsel for the respondent that a closure report has already been filed in the FIR.*

4. *Mr. Singh, learned counsel for the Delhi Police has been asked to take instructions in FIR No. 445/2020 dated 25.11.2020 registered at PS Vasant Vihar as to whether the original sale deed of the property in Vasant Vihar is required for further investigation and if the same*



can be returned to the respondent which can further be returned to the petitioner.

5. The petitioner and the respondent may also intimate to the IO this order passed today.

6. List on 31.01.2024.”

5. This Court also takes note of the Status Report filed by the SHO, Police Station Vasant Vihar, wherein, it has categorically been stated that the sale deeds in question, which were earlier in custody of the Police, have already been submitted before the Court of Metropolitan Magistrate (“MM”), Patiala House Courts, New Delhi on 8th July, 2023, after completion of the investigation, along with the Closure Report.

6. The Status Report filed on behalf of the SHO, Police Station Vasant Vihar, reads as under:

“xxx xxx xxx

1. A case vide FIR No. 445/2020 dated 25.11.2020 U/s 420/468/471/34 IPC PS Vasant Vihar, New Delhi was registered on the complaint of Mr. Tript Singh.

2. That during investigation of the case, following two Sale Deeds executed in respect of property Plot No. 91, Block-B, 200 Sq Yards Rampuri, Ghaziabad UP were seized in original vide seizure memo dated 26.08.2021:

(i) Sale Deed executed by Smt. Basanti Devi and Vinod Kumar in favour of Mr. Naresh Kumar Aggarwal and Mr Pradeep Kumar Aggarwal registered on 13.10.1988.

(ii) Sale Deed dated 20.11.2003 executed by Naresh Kumar Aggarwal and Pradeep Kumar Aggarwal in favour of Mr. Tript Singh.

3. That after completion of the investigation, Final Report as Closure report has been filed in the Hon'ble MM Court, Patiala House Courts, New Delhi on 08.07.2023 in which the next date of hearing is 06.08.2024.

4. That the above-mentioned Sale Deeds in original have been submitted in the Hon'ble Court of Sh. Kapil Gupta, Ld MM, Patiala House Courts, New Delhi alongwith the Closure Report.

5. That investigation in respect of the above-mentioned Sale Deeds



have been completed and the Original of these are no more required in the case.

However, the undersigned is abided by the direction, if any, this Hon'ble Court deems fit to pass.

xxx xxx xxx”

7. Perusal of the aforesaid Status Report clearly shows that except the sale deeds, all the other documents have already been handed over to the petitioners, in terms of the Settlement Agreement dated 5th June, 2020 executed between the parties.
8. Reading of the aforesaid Status Report filed by the SHO, Police Station Vasant Vihar, also shows that the investigation by the police is already complete and that the originals of the sale deeds in question have been submitted to the Court of learned MM, Patiala House Courts, New Delhi, along with the Closure Report.
9. Accordingly, it is directed that the petitioners herein shall file an application before the Court of learned MM, Patiala House Courts, New Delhi with a prayer for release of the original two sale deeds of property, i.e., Plot No. 91, 200 Sq. Yards, Rampuri, Ghaziabad, UP. Upon the petitioners filing such an application, the learned MM shall pass directions for release of the original sale deeds to the petitioners and keep a copy of the same in the Court record, for the purposes of further adjudication.
10. It is further directed that in case the Court of learned MM, Patiala House Courts, New Delhi, needs the original of the said sale deeds during the course of adjudication, the petitioners shall be bound to deposit the same again, with the said Court.
11. At this stage, learned counsel appearing for the petitioners submits that despite the Settlement Agreement between the parties, the petitioners



have been made to run from pillar to post for the purposes of procuring the documents in terms of the judgment dated 23rd November, 2021 passed in *Execution Petition 39/2021*.

12. He, thus, submits that the petitioners reserve their right to initiate appropriate proceedings, in accordance with law, to recover compensation from the respondents.

13. The aforesaid statement made by learned counsel appearing for the petitioners is noted by this Court.

14. Be that as it may, this Court is of the view that no further orders are required to be passed in the present petition.

15. With the aforesaid directions, the present petition is disposed of, as having been satisfied.

MINI PUSHKARNA, J

MAY 15, 2024
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