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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **OMP (ENF.) (COMM.) 72/2023& EX.APPL.(OS) 21/2024.**
MR. B.K. BANSAL Decree Holder

Through: Mr. Aman Vasisth ,Mr. Nishant,
Srivastav, Mr. Mahip Datta Parashar, Advs
Versus

KHERA BUILDCON PVT. LTD. & ANR. Judgement Debtor
Through: Mr. Vineet Mehta, Mr. Amit Seth
and Mr. Mukil Saluja, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER

% **19.02.2024**

1. This is a petition seeking execution of the order dated 23.02.2023 passed by Ld. Sole Arbitrator in domestic arbitration proceedings titled as “*B.K. BANSAL vs. KHERA BUILDCON PVT. LTD. & ANR.*” being Case No. DAC/3210/09-21.

2. As per the order dated 23.02.2023 passed in while deciding Section 17 application, it was directed as under:-

“70. *To balance the equities the following directions are issued.*

i) The respondents shall hand over possession of the subject property to the claimants within 15 days from the receipt of this order, except the second floor.

ii) The second floor of the subject property shall remain locked and status quo with respect to title possession and construction shall be maintained.

iii) The claimant shall not sell alienate transfer or part with possession of the floors which have fallen to his share which would amount to sale in any manner. It is however clarified



that the claimant shall be free to give his share in the property on rent lease or license.

iv) In the present order only a prima facie view has been taken with a view to decide the section 17 application and the same shall not be taken as an expression on the merits of the matter.”

3. Pursuant to the above order, the judgment-debtor assailed the above order by filing Section 37 appeal which was dismissed by this Court on 16.01.2024.
4. Mr. Seth, learned counsel for the judgment debtor states that the order dated 16.01.2024 dismissing the challenge to the interim order dated 23.02.2023 is being assailed in an SLP.
5. A period of 15 days is granted to the judgment debtor as last and final opportunity to comply with the order dated 23.02.2023 failing which a bailiff shall be appointed by the Administrative Civil Judge to hand over vacant and peaceful possession of the property bearing D-145, Anand Vihar, Delhi-110092.
6. In view of the order passed today, Mr. Vasisth, learned counsel for the decree holder does not press the execution petition any further.
7. The execution petition is disposed of granting liberty to the decree holder to approach the Court in case of any clarification/doubt/revival.
8. List before Administrative Civil Judge on 01.04.2024 for taking appropriate steps.

FEBRUARY 19, 2024/NG

JASMEET SINGH, J