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

+ O.M.P.(I) (COMM.) 163/2025

SMAS AUTO LEASING INDIA PVT LTDPetitioner

Through: Mr. Rajshekhar Rao, Senior Advocate
with Mr. Aditya Bhattacharya, Mr. Sukrit R.
Kapoor, Ms. Simran Tandon and Mr. Sarthak
Miglani, Advocates.

versus

GENSOL ENGINEERING LIMITED & ORS.Respondents

Through: Mr. Anuj Kumar Pandey and Ms.
Reema K., Advocates for R-1.
Ms. Ashu Goyal and Mr. Mayank Sharma,
Advocates for R-3 & R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.09.2025

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1. This petition is filed by the Petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 seeking the following reliefs:-

“a) Direct Respondent No. 1 and 2 to provide details of all the 210 subject EVs (as per Document No. P/5 attached with the present Petition), including their locations, to this Hon'ble Court and the Petitioner; and

b) Appoint Mr. Amit Singh, Mr. Ramesh Taneja and Mr. Hitesh Saini or any other officer or the duly authorized representative of the Petitioner as a receiver for taking the possession of 210 subject EVs (as per Document No. P/5 attached with the present Petition) to assess the status and condition of the EVs, with a direction that possession of the said vehicles be taken from the Respondents, their agents and any other person found to be in possession of the said vehicles from wherever it is found and after taking inventories, the said vehicles be handed over to the custody of the Petitioner or their representative with the liberty



to the Petitioner to sell the said vehicles and adjust the sale proceeds thereof against their claim under the said Agreement and also direct the S.H.O. of the area concerned where the said vehicles are found to provide police assistance to the receiver in taking the possession of the said vehicles; and

c) Issue an ex-parte ad-interim injunction restraining the Respondents from, in any manner, selling, alienating, transferring, or encumbering or in any manner creating third party rights in respect of the 210 Electric Vehicles (as per Document No. P/5 attached with the present Petition) which are the subject matter of the Master Lease Agreements dated 26.05.2021 and 23.09.2022; and

d) Issue an ex-parte ad-interim injunction restraining the Respondents from alienating, transferring, or encumbering their assets in any manner prejudicial to the Petitioner's interest pending the hearing and final disposal of the arbitral proceedings, and until the execution of the arbitral award; and

e) Pass an order directing the Respondents to disclose on affidavit all their respective movable and immovable assets including bank accounts which are owned by them or in which they have any rights or interests; and

f) Direct the Respondents to deposit a sum of Rs. 93,96,668.23 (Rupees Ninety-Three Lakhs Ninety-Six Thousand Six Hundred and Sixty- Eight and Twenty-Three Paise only) along with a combined penal interest @2% per month to the tune of Rs. 1,00,742/- (Rupees One Lakh Seven Hundred and Forty-Two Only) on account of the termination of the Lease Agreement in terms of Clause C.3 of the Master Lease Agreements to the registry of this Hon'ble Court; and

g) Award costs of this Petition in favour of the Petitioner.

h) Any other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present matter ”

2. On 07.05.2025, Court had appointed Receivers to take possession of 210 EVs, of which 164 were leased to Respondent No.1 and 46 to



Respondent No.2. Admittedly, Respondent No.1 is undergoing CIRP and Resolution Professional (RP) has been appointed.

3. Mr. Rajshekhar Rao, learned Senior Counsel appearing for the Petitioner hands over an affidavit dated 22.09.2025 wherein it is stated that Receivers have repossessed 158 EVs out of 164 from Respondent No.1 and 40 out of 46 from Respondent No.2 and submits that directions be given to RP for Respondent No.1 and Respondents No.3 and 4 to cooperate in handing over the remaining EVs as also in issuance of 'No Objection Certificate' for transfer of ownership of the EVs in favour of the Petitioner. RP be directed to initiate steps without any delay towards transfer of ownership of the vehicles before the RTO.

4. In light of the aforesaid, this petition is disposed of with a direction to the RP for Respondent No. 1 and Respondents No. 3 and 4 to cooperate in handing over the remaining EVs to the Petitioner and issuance of 'No Objection Certificate'. RP is directed to initiate steps towards transfer of ownership of the EVs in favour of the Petitioner.

5. It is further directed that Respondents shall not create any hindrance or obstruction in handing over the EVs and in case any obstruction is created Receivers will be at liberty to take recourse to Police assistance. Needless to state if police assistance is sought, SHOs of the concerned Police Stations will render complete assistance.

JYOTI SINGH, J

SEPTEMBER 23, 2025/RW