

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI  
PRINCIPAL BENCH**

**ITEM No. 02  
CP. No. 110(ND)/2009**

**IN THE MATTER OF:**

Abinash Chander Mahajan & Ors.	.... Petitioner/Applicant
vs.	
M/s. Vikas Promoters Pvt. Ltd. & Ors.	.... Respondent

**Order under Section 397/398 of the Companies Act, 2013.**

**Order delivered on 18.01.2024**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR  
HON'BLE PRESIDENT**

**SH. AVINASH K. SRIVASTAVA  
HON'BLE MEMBER (TECHNICAL)**

**(HEARING THROUGH PHYSICAL MODE & VC)**

**PRESENT:**

For the Petitioner	: Mr. Sumesh Dhawan, Mr. Vikrant Singh Bloria, Mr. Raghav Demblay, Advs.
For the Respondent	: Mr. A. K. Chaturvedi, Advocate

**ORDER**

Heard, Mr. Sumesh Dhawan, for the Petitioner and Ld. Counsel Mr. A. K. Chaturvedi appearing on behalf of the Respondent as well as the other parties present in person. Going by the nature of the dispute which is pending, a suggestion was made that the parties should examine the possibility of resolution through Mediation by invoking Section 89 of the Civil Procedure Code, 1908 as may be relevant to this present proceeding, to which the parties had agreed.

Ld. Counsel Mr. A. K. Chaturvedi, for Respondent No. 2 (Mr. Mohan Kumar Garg) submitted a hard copy of the affidavit dated 06.12.2023 filed in compliance with the order dated 09.11.2023 indicating the consent for appointing an Independent Advocate

Commissioner to undertake the sale of the unsold spaces at Delhi is marked as Annexure A1. The soft copy of the affidavit dated 06.12.2023 is still pending in scrutiny. The same is taken on record subject to all just exceptions. The Annexure A1 of the affidavit reads as follows:-.

<b>SHOP NO.</b>	<b>AREA (SFT.)</b>
G-14	550.00
G-21	1934.30
G-24	195.75
G-27	195.75
G-28	195.75
G-30	226.14
G-31	387.19
G-35	387.19
F-101	2462.25
F-118	150.75
F-119	150.75
F-124	321.80
F-127	321.56
F-128	321.56
F-130	321.56
F-131	321.56
F-132	321.56
F-133	3138.05
<b>TOTAL (A)</b>	<b>11903.46</b>
<b><i>*Values are based on the report of valuer Mr. Punkaj Jain, submitted in CLB.</i></b>	

In terms of the order dated 09.09.2022, the amount payable to the petitioner would be discharged from the sale proceeds of the unsold property.

**In partial modification of the order dated 09.09.2022 and on the request made by parties:**

- 1.** We appoint **Mr. Siddharth Thakur, Advocate**, postal address: A-160, Friends Colony, New Delhi – 110025, **Mob: 9650032198**, **email address: siddharththakur.legal@gmail.com** and **Mr. Anurag Kulharia, Advocate**, postal address: C-44, Second Floor, Neeti Bagh, New Delhi – 110049. **Mob: 8968174014**, **email address: anuragkulharia@gmail.com** as Advocate Commissioners in the present case.
- 2.** The Advocate Commissioners will be paid an initial remuneration of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) each to be paid by the Respondent and it will be subsequently deducted from the sale proceeds. The further remuneration will be decided by this Tribunal.
- 3.** The parties are directed to appear before the Advocate Commissioners without fail and also cooperate with the Advocate Commissioners.
- 4.** The Advocate Commissioners are directed to open a new Bank Account in State Bank of India, CGO Complex, New Delhi – 110003, and deposit the sale proceeds in the above Bank Account and maintain the account till the final discharge takes place between the respective parties.
- 5.** The registry is hereby directed to send a copy of this order to the mediator.

List the matter for further consideration on **15.02.2024**.

-sd-

**(RAMALINGAM SUDHAKAR)**  
**PRESIDENT**

-sd-

**(AVINASH K. SRIVASTAVA)**  
**MEMBER (TECHNICAL)**