



4) This Bench *vide* order dt. 13.10.2023, in I.A. No. 844 of 2020, passed the following order:

**IA 844/2020**

*1) It was further brought to our notice that due to inadvertence it seems that the Direction to Delhi Police to handover the documents were left unrecorded in the Daily Order dt. 11.09.2023. We find these submissions to be in Order after verification of our Record. Accordingly, we consider it appropriate to take IA 844 of 2020 on Board. We direct the Delhi Police to de-seal the “Arpit Hotel” premises situated at 17A/1, WEA, Ajmal Khan Road, Karol Bagh, New Delhi in the presence of Directors of the suspended Board, Resolution Professional, any other professional appointed by the RP to ascertain, retrieve and handover the possession of the books of accounts stated to be maintained on computers, books and other documents pertaining to the Corporate Debtor and RP be authorized to vide record the process.*

*2) The Delhi Police shall extend necessary support to the Applicant on production of this Order.*

*3) The IA No. 844 of 2020, is disposed of in terms of above directions*

5) It is further submitted that an unfortunate incident of fire at “**Hotel Arpit Palace**” which led to unfortunate demise of seventeen persons. The State lodged a FIR bearing FIR No. 0065 of 2019 dated 12.02.2019 in which the Applicant was not named as one of the accused. Thereafter, the hotel premises were sealed by the Delhi Police and the said premise is still sealed by the Delhi police and the property can only be de-sealed with the

permission of the Court in which the criminal trial of the Directors of the company is pending adjudication. It is also informed that the applicant has no connection to the hotel premises in question, which is owned by M/s Atul Constructions Pvt. Ltd. The Applicant has no involvement in the management or ownership of the hotel. It is also pertinent to mention that the applicant was not named as an accused in the FIR related to a fire incident at the hotel and there is also no clarification with respect to the fact that when the aforementioned Hotel Premises is de-sealed who will be responsible for putting the seal back again and to whom the possession of the aforementioned property will be officially handed over.

6) Applicant lastly submits that the order to de-seal the premises was erroneous and unfair, as it was made without granting a fair opportunity to the Applicant. That the Directors of the Company who owns the Hotel Arpit Palace, are materially affected by the said order and therefore, no consequential directions can be passed without providing an opportunity of hearing being provided to the Directors of the Company.

7) Hence, this Interlocutory Application.

8) Heard the Counsel and perused the record. This Bench notes that the Order dt. 13.10.2023 was passed on the submissions so as to retreat the records of the Corporate Debtor lying in the premises of Arpit Hotel because retrieval of those Records is desirable in view of ongoing CIRP. The Bench has taken note of the submissions of the Applicant and after consideration, this Bench

considers it appropriate to modify the order. The following shall be added as paragraph 1A in the said order

*“Delhi Police shall seal the premise again after allowing retrieval of the Corporate Debtor’s records/documents/computers and shall be entitled to have those retrieved and removed from the sealed premises from the Panchanama”.*

9) Rest of the order dt. 13.10.2023, shall remain unaltered. With the aforesaid observation and directions, the Interlocutory Application bearing IA No. 1257 of 2024, is disposed of.

**Sd/-**

**PRABHAT KUMAR  
MEMBER (TECHNICAL)**

**Sd/-**

**JUSTICE VIRENDRASINGH BISHT  
MEMBER (JUDICIAL)**

Vedant Kedare