THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

EA-2978/2022
IN
Appeal/929/2020

ARVIND KUMAR JHA ....**Appellant**

Versus

AGRANI HOMES PVT LTD ....**Respondent**

Counsel for Appellant **Counsel for Respondent**

Hon'ble Mr. T.B. Singh, Judicial Member
Hon'ble Mr. K.K. Jain, Technical Member

Case called on.

Sri Ajay Pratap Singh, the representative of decree holder alongwith his counsel Sri Arvind Kumar Shukla, and Sri Alok Kumar, the judgment debtor/Director of the builder-company alongwith his counsel Sri Sanjay Awasthi appeared.

Counsel for the judgment debtor submitted that judgment debtor has filed application in compliance of order dated 30.08.2022 wherein the details of assets and their releasable short term and long term values have been disclosed. The total short term realizable value of assets mentioned on paper Nos. 7 & 8 is about 33.88 Crore, and Rs. 71 Crore in long term. The short term value can be realized within 04 months, and liability of the company is about 45 Crore therefore about 75% of the gross liability can be paid, out of short term realizable value, by selling of the assets. The judgment debtor further submitted that Rs. 10 Crore can be realized from the Joint Venture Partner for Kesaripur, Varanasi project and Rs. 4 Crore from Joint Venture Partner for Lalpur Anula, Pandeypur project. The balance amount to the decree holders will be paid at the earliest and if decree holders agree some of them may also take assets in Joint Venture Projects.

The representative of the decree holders and his counsel submitted that they have filed application for taking counter affidavit on record against the statement of affair and other details filed by the judgment debtor. They submitted that mostly short term value of assets have been estimated by the judgment debtor is based on circle rate and value to be realized from the prospective Joint Venture Partner. They further submitted that Joint Venture Partner should give some expression of interest and value to be realized should not be less than circle rate. The representative of the decree holders also submitted that some checks and control on judgment debtor for disposal of assets should be imposed, and for this purpose they proposed that for disposal of assets, judgment debtor should seek permission of the Tribunal in all the cases and judgment debtor should also give undertaking that if realisable value of any assets is less than circle rate, the judgment debtor should deposit the difference amount from its own source in Escrow Account. Further Joint Venture Partner of judgment debtor should agree to deposit balance deficit amount for payment to the decree holders in Escrow Account out of sale process.

The judgment debtor has agreed that before the next date of listing he will provide the expression of interest and will obtain some token amount from the Joint Venture Partner. He further submitted that he will seek permission case wise from the Tribunal for sale of the assets.

Counsel for judgment debtor is directed to file expression of interest from prospective buyers/parties regarding payment of Rs. 10 crore and 4 crore. He is also directed to give undertaking to the effect that he will not dispose of the properties below the circle rate, if any amount is realized excess from the circle rate the same must be deposited in the Escrow Account. Judgment debtor is directed to move an application for seeking permission to sell the property/land. The amount realized from sale of assets will be deposited in Escrow Account for releasing the same to all the decree holders proportionately.

Both the parties are directed to file their proposal for disposal and distribution of assets on mutually agreed terms.

List this case on **23.09.2022** for further order.

(K.K. Jain) (T.B. Singh)

Dated: 12.09.2022
PRADEEPKUMAR