

Ex No.88/08

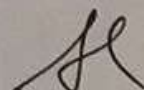
New No.1625/19

14.07.2020

The present matter has been taken up for hearing by way of video conferencing on account of lockdown due to Covid 19.

Present : Mr. Abhimanyu, Ld. Proxy Counsel on behalf of the decree holders  
Mr. Ram Kumar, Ld. Counsel for judgment debtor no. 1  
Mr. Sanjay Poddar, Ld. Senior Advocate with Ms. Pooja Kalra, Ld. Counsels for the judgment debtor no.2  
Mr. Ram Singh Parte from Ward 52(4), New Delhi, Income Tax Department  
Mr. Manmohan Singh Bisht from Ward 4(2), Income Tax Department

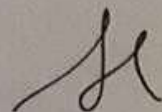
1. In pursuance of the direction given by this Court to the Income Tax department on the last date of hearing, e-mails have been received from the ITO, Ward 4(2) providing details of the returns filed by Mr. Jai Singh and from the ITO, Ward 52 (4) providing details of the returns filed by Mr. Virendera Singh.
2. These e-mails received from the Income Tax Department disclose names of several tenants from whom the decree holders were receiving rent for letting out plots no. 1 and 3, Block D, Jhandewalan Estate, Karol Bagh, New Delhi. However, as per the Reply-cum-Submission dated 9.07.2020 filed on behalf of the decree holders, after 3.11.1971, fresh





tenancies in plots no. 1 and 3 were created only in favour of one Mr. Vikram Arora and M/s Bagga Link Service Limited. On the last date of hearing, the Ld. Senior Advocate appearing on behalf of the decree holders had submitted that besides the tenants Mr. Vikram Arora and M/s Bagga Link Service Limited, the remaining tenants in these two plots are tenants whose tenancies are protected by the Delhi Rent Control Act since the rate of rent is below Rs.3,500/- per month. These averments made on behalf of the decree holders prima facie appear to be in contradiction with the report filed by the Income Tax Department.

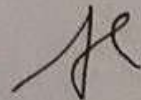
3. Ld. Senior Advocate appearing on behalf of the judgment debtor no. 2 requests that his submission be recorded by the Court that in view of the admissions made on behalf of the decree holders in the license deed executed in favour of Mr. Vikram Arora and in the written submissions made by them during these proceedings, it is evident that the decree holders have been evading income tax and that the Income Tax Department will take action on his complaint. He submits that he will file a complaint regarding this to the Income Tax Department and will provide them with relevant documents which establish evasion of income tax.
4. The officers appearing from the Income Tax Department submit that if any such record is received by the Income Tax Department which indicate tax evasion, the department will initiate proceedings for evasion of income tax.
5. The Officers from the Income Tax Department also submit that they will e-mail the Income Tax Returns of the decree holders to the Court alongwith the schedule to the Income Tax Returns submitted by the assesses who are the decree holders herein. Despite asking by the Court, the Income Tax Officers are unable to explain to the Court whether the rent disclosed in the Income Tax Returns furnished by the





decree holders for various assessment years is the actual rent received by them or the notional rent determined by them for plots no. 1 and 3.

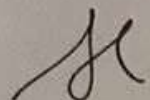
6. At around 12:30 pm today, an e-mail has been received from Mr. D.S. Khatri, Ld. Counsel for the decree holders. It is stated in the e-mail that subsequent to the last date of hearing, Mr. Jai Singh, the decree holder no. 1 has fallen ill and is suffering from fever, throats problem and body ache. It is stated that the doctor has advised him to undergo Covid test which is going to be conducted today. It is further stated that Mr. Jai Singh has been advised to stay in quarantine considering his symptoms and old age of 74 years.
7. It is further stated in the e-mail that a close relative of Mr. D.S. Khatri has suffered a heart attack and therefore, he has to rush to the hospital to take care of him and cannot be present in the Court today.
8. It is stated that the e-mail is being sent in advance to inform the Court that directions issued on the last date of hearing could not be complied with. It is requested that the Court takes notice of these developments and issues appropriate orders.
9. Copy of a prescription issued by a doctor to Mr. Jai Singh has been sent alongwith the e-mail.
10. Mr. Abhimanyu, Ld. Proxy Counsel appearing on behalf of the decree holders submits that he has no information on whether the decree holders have paid cost imposed on the last date of hearing and whether the other directions given by the Court have been complied with.
11. In the context of the e-mail of Mr. D.S. Khatri, Ld. Senior Advocate appearing on behalf of judgment debtor no. 2 submits that the decree holders have been repeatedly seeking adjournments ever since this Court started asking questions which they found uncomfortable to





answer. He submits that the decree holders are deliberately avoiding appearance before this Court. He makes reference to paragraph no. 3 of the order dated 2.07.2020 passed by this Court in which it has been observed that a special power of attorney has been executed by decree holders in favour of Mr. Vaibhav Singh, authorizing him to take part in Court proceeding on their behalf. He further makes references to the contents of the Special Power of Attorney in which it is stated that Mr. Vaibhav Singh is son of Mr. Virendra Singh, decree holder no. 2. He submits that in the Special Power of Attorney, it has been stated by the decree holders that they have been assisted by Mr. Vaibhav Singh in the present case since the last 10 years. It is further stated that the health of the decree holders have deteriorated and they have been medically advised not to take any form of strain given their advanced age, multiple ailments and the prevalent pandemic. He points out that the decree holders have stated in the Special Power of Attorney that Mr. Vaibhav Singh who is well conversant with the facts of this case and has attended almost every substantial hearing of the Court since the last over 10 years. Ld. Senior Advocate submits that it was on these grounds that the decree holders appointed Mr. Vaibhav Singh as their attorney and representative in the present case.

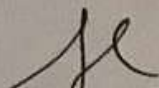
12. Ld. Senior Advocate submits that the grounds taken for non-appearance today and for not complying with the directions of the court on the last date of hearing are a sham since the decree holder Mr. Jai Singh was unwell even earlier and had stopped appearing before the Court. He submits that it was Mr. Vaibhav Singh who has been appearing before the Court and doing all filings including elaborate ones on behalf of the decree holders. He submits that Mr. Vaibhav Singh has now disappeared on the pretext of illness of Mr. Jai Singh.
13. He submits that the decree holders have been represented by a battery of lawyers including Mr. Arvind Bhatt. He submits that if Mr. D.S. Khatri





was indisposed today, Mr. Arvind Bhatt or some other Counsel could have appeared on behalf of the decree holders. He submits that there is also no information about the Ld. Senior Advocate who has been appearing on behalf of the decree holders. He submits that the decree holders have been playing with the Court concealing important questions and have not even paid costs imposed by the Court on two occasions.

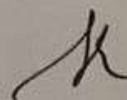
14. He further refers to the medical document sent on behalf of the decree holders alongwith the e-mail. He submits that Mr. Jai Singh is a resident of Mehrauli and the doctor who has issued the medical prescription is based in Kalandi Colony, which is quite far from Mehrauli. He further points out that the doctor who has issued the medical document is a pediatrician and the decree holder is aged 74 years of age. He submits that the decree holders are relying upon a false medical document which has been created only for the purpose of seeking adjournment in the present case and for avoiding the compliance of directions given by the Court.
15. Arguments are heard and the record is perused.
16. The aforementioned submissions made by the Ld. Senior Advocate appearing on behalf of judgment debtor no. 2 are found to be convincing. Even if Mr. Jai Singh is unwell, it is no justification for non-appearance by the Ld. Counsels for the decree holders and for them not complying with the directions given by the Court on 17.06.2020 and also subsequently. It is Mr. Vaibhav Singh and not Mr. Jai Singh who has been prosecuting the present case. The name of Mr. Arvind Bhatt, Ld. Counsel appears in the filings being done by the decree holders even during the last one month. Even if Mr. D.S. Khatri was unable to appear before the Court today, Mr. Arvind Bhatt and the Ld. Senior Advocate who has been appearing on behalf of the decree holders could have appeared today. Atleast, the costs could have been paid and other





directions could have been complied with.

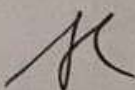
17. Also, it is strange that a pediatrician has issued a prescription to Mr. Jai Singh who is 74 years of age. The allegations made by the Ld. Senior Advocate appearing for the judgment debtor no. 2 that a false medical document is being relied upon by the decree holders for obtaining an adjournment is a serious allegation which should not be overlooked by this Court. Reference is made to a recent order dated 29.06.2020 passed by the Hon'ble High Court in the case of Abdul Rehman Vs. State, Bail Application no. 865/2020, copy of which was circulated to Judges of District Court. This order was passed in the context of allegations made against a doctor that he was issuing false medical reports which were being relied upon in various Courts. However, in the absence of Ld. Counsels for the decree holders and without granting them an opportunity of hearing, this Court does not deem it fit to pass any further directions on the allegations made by the Ld. Sr. Advocate appearing on behalf of judgment debtor no. 2.
18. A lenient view is taken and another opportunity is granted to the decree holders to comply with the directions given by this Court and to appear before the Court.
19. Matter is adjourned. The decree holders are also directed to make submissions on the reports received from the Income Tax Department which disclose existence of several tenants in plots no. 1 and 3, which prima facie appears to be in contradiction with the averments made on behalf of the decree holders that after 03.11.1971, there have been only two new tenancies created in parts of plots no. 1 and 3 and the remaining tenancies in these two plots are protected by the Delhi Rent Control Act.
20. The decree holders will also disclose whether the amounts stated by the Income Tax Department in the returns were the actual rents received by the decree holders or whether these were notional rent determined and





submitted by the decree holders. The decree holders will also disclose the portions and area for which these rents were received/determined. In case, these amounts are actual rents that were received by the decree holders, the decree holders will disclose all details of the tenancies including the name of tenant, period of tenancy and area that was let out.

21. Copy of the reports received from the Income Tax Department be sent to the parties of this case so that they are able to file the responses. The decree holders shall also file affidavit in support of Reply-cum-submission dated 09.07.2020, if it has not already been done.
22. The decree holders are also directed to file hardcopy of the e-mail sent by their Counsel today. All parties to this case are directed to always file hardcopies of all their e-mail being sent to the Court so that the record of this case remains complete.
23. The officers appearing on behalf of the Income Tax Department are directed to submit the sought information for the period starting from 11.11.1999.
24. To come up on 15.07.2020 at 2:00 PM.
25. The Ahlmad is directed to immediately send copy of this order and details required for joining court proceedings through video conference on the next date of hearing, to the learned Counsels for the parties and to the officers of the Income Tax Department who have appeared before the Court today.

  
(Shirish Aggarwal)  
ARC-1, Central District  
Tis Hazari Courts, Delhi  
14.07.2020



M.No. 47/19

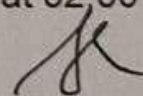
New No. 751/20

14.07.2020

The present matter has been taken up for hearing by way of video conferencing on account of lockdown due to Covid 19.

Present : Mr. Abhimanyu, Ld. Proxy Counsel on behalf of the decree holders  
Mr. Ram Kumar, Ld. Counsel for judgment debtor no. 1  
Mr. Sanjay Poddar, Ld. Senior Advocate with Ms. Pooja Kalra, Ld. Counsels for the judgment debtor no.2  
Mr. Ram Singh Parte from Ward 52(4), New Delhi, Income Tax Department  
Mr. Manmohan Singh Bisht from Ward 4(2), Income Tax Department

To come up alongwith connected case on 15.07.2020 at 02:00 PM.



(Shirish Aggarwal)  
ARC-1, Central District  
Tis Hazari Courts, Delhi  
14.07.2020



E.No.107/12

New No. 78347/16

14.07.2020

The present matter has been taken up for hearing by way of video conferencing on account of lockdown due to Covid 19.

Present : None.

No one has appeared through video conferencing.

As such, matter is adjourned for purpose fixed to 18.11.2020.



(Shirish Aggarwal)  
ARC-1, Central District  
Tis Hazari Courts, Delhi  
14.07.2020