

ITEM NO.45

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21896/2024

[Arising out of impugned final judgment and order dated 01-05-2024 in EFAOS No. 3/2023 passed by the High Court of Delhi at New Delhi]

BISHWAJEET SINGH & ANR.

Petitioner(s)

VERSUS

SANGRAM VIJAY SINGH & ORS.

Respondent(s)

Ms. Sanya Shukla, Advocate Commissioner
 IA No. 191642/2026 - APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS, IA No. 180196/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 193170/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 191607/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 191544/2026 - INTERVENTION/IMPLEADMENT
 IA No. 193912/2026 - INTERVENTION/IMPLEADMENT
 IA No. 209715/ 2026 - IMPLEADMENT
 IA No. 237619/2024 - MODIFICATION
 IA No. 219972/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 215268/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 10-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
 HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
 Mr. Mayank Bhargava, Adv.
 Mr. Rajdeep Saraf, Adv.
 Mr. Tushar Srivastava, Adv.
 Mr. Sachin Chandila, Adv.
 Mr. Sanyam Jain, Adv.
 Ms. Akshaya Ganpath, Adv.
 Mr. Darpan Sachdeva, AOR

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
 Mr. Ritin Rai, Sr. Adv. (not present)
 Mr. Aabhas Kshetarpal, AOR
 Mr. Dhiliban Varadarajan, Adv.
 Mr. Harsh N Dudhe, Adv.
 Mr. Shivam Wadhwa, Adv.

Mr. Abhishth Kumar, AOR
 Mr. Nikhil Mehra, Adv.
 Mr. Pradeep Kumar Borana, Adv.

Ms. Sarita, Adv.

Mr. Mrinal Kumar Sharma, AOR

Mr. Kirtiman Singh, Sr. Adv.

Mr. Maulik Khurana, Adv.

Mr. Kirtiman Singh, Sr. Adv.

Mr. Jasmeet Singh, AOR

Ms. Ritu Bhalla, Adv.

Mr. Harminder Chawla, Adv.

Mr. Gajanand Kirodiwal, Adv.

Mr. Chaitanya Mehra, Adv.

Ms. Tatini Basu, AOR

M/S. Karanjawala & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

1. This dispute concerning the partition of Property No. 54, Friends Colony (East), New Delhi, carries a protracted and chequered history dating back to a civil suit instituted in 1988. Following a preliminary decree in 1997, a final judgment and decree was passed in 2007, which mandated that the property be auctioned and the sale proceeds apportioned among the respective shareholders.
2. During the execution proceedings, the petitioners sought exclusive physical possession and partition of their 50% share by metes and bounds. To achieve this, they attempted to place reliance on an order passed on 05.11.2019 by a Division Bench of the High Court wherein, it was stated that it would be open to the executing Court to explore all possibilities of securing to the parties their respective shares, as determined by the final decree, not limited to the sale of the suit property.

3. Arguing that the order dated 05.11.2019 had modified the final decree's strict mandate for an auction sale, the petitioners herein filed an execution petition before the High Court. The Single Judge of the High Court firmly rejected this *vide* an order dated 15.02.2023, observing that a decree for sale cannot be bypassed. The petitioners challenged this decision in an Execution First Appeal, which the Division Bench of the High Court ultimately dismissed *vide* the impugned judgment dated 01.05.2024. Aggrieved by the same, the petitioners are before us.
4. Upon the matter reaching this Court, we passed an initial order on 04.10.2024 appointing Ms. Sanya Shukla as the Advocate Commissioner to inspect the premises alongside an architect and structural engineer to comprehensively assess the feasibility of physically dividing the property and, thereafter, submit a report.
5. Upon perusing the report submitted by the Advocate Commissioner, prepared in consultation with the architect and structural engineer, and after hearing the learned senior counsel for the parties, this Court had arrived at the conclusion that a physical partition of the property by metes and bounds into four distinct shares was structurally unfeasible because any such attempt would not only compromise the existing superstructure, but also severely destroy the intrinsic value and utility of the plot,

thereby rendering the prospect of physical division entirely futile.

6. Hence, acknowledging the futility of physical division, this Court, after hearing all the concerned parties, directed a fresh public auction *vide* order dated 10.09.2025. We also recorded the strict undertaking of Respondent No. 1 to hand over vacant possession within one month of the sale's confirmation. The verbatim extract of the order dated 10.09.2025 is as follows:

"We have heard the learned senior counsel appearing for the petitioners and respondents at length.

This case has got a chequered history. Notwithstanding the preliminary decree followed by the final decree, on a trivial issue as to whether the suit property can be partitioned or be put for sale, the parties have been dragging on the litigation.

Incidentally, one more matter is pending before the High Court, as the widow of one of the defendants to the suit seeks to contend that the earlier so-called consent, cannot be taken note of, and therefore, she is entitled to a 25 per cent share in the suit property. Suffice it is to state that her grievance is only limited, with respect to the proportionate percentage constituting her so-called share. In other words, she has no objection for either partition or sale of the suit property to be adopted. For the aforesaid reasons, her presence is not required. We have been informed that she is no more and her legal heirs are not available before us.

We are of the considered view that an attempt can be made afresh, to bring the entire suit property for sale by way of an auction. We also take note of the submission made by the learned counsel appearing for the respondent No.1, that no obstruction whatsoever

would be made or created against the proposed sale, and in any event, after the confirmation of sale and within a period of one month thereafter, the said respondent would handover the vacant possession of the concerned suit premises to the intending purchaser.

The aforesaid statement stands recorded.

In such view of the matter, we request Ms. Sanya Shukla, the learned Advocate Commissioner to make a publication in a leading English newspaper, namely, 'The Times of India', and apart from that in two more Hindi newspapers having a wide circulation in the NCT of Delhi.

Both the parties are at liberty to approach the learned Advocate Commissioner, so as to facilitate third parties to participate in the proposed auction. The learned Advocate Commissioner is at liberty to conduct an auction, after receiving and scrutinizing the offers from various parties, but shall not confirm the sale without the leave of this Court. The needful will have to be done, within a period of six weeks, from the date of receipt of a copy of this order.

A total sum of Rs.10,00,000/- shall be paid to the learned Advocate Commissioner, of which Rs.5,00,000/- shall be the fees of the learned Advocate Commissioner, and the remaining Rs.5,00,000/- would be for the purpose of conducting the auction. The said amount i.e. Rs.10,00,000/- will have to be borne equally by the petitioner(s) and respondent(s).

The learned Advocate Commissioner, is at liberty to impose such terms and conditions as may be necessary, while facilitating and conducting the auction. For the aforesaid purpose, she can also get relevant suggestions from the parties.

We also make it clear that the fixing of reserve price is left to the discretion of the learned Advocate Commissioner."

7. To facilitate the auction mechanism, we subsequently directed the Registry, *vide* order dated 17.03.2026, to receive the earnest money deposit from the auction which was proposed to be conducted.
8. The public auction was successfully conducted by the Advocate Commissioner on 17.06.2026. A bidding consortium comprising Scindia Investments Private Limited and Gupta Machine Tools Private Limited participated and emerged as the successful highest bidder, submitting a bid of Rs. 232,50,00,000/- (Rupees Two Hundred Thirty-Two Crores and Fifty Lakhs). It may be noted that the successful consortium has duly complied with all terms by depositing the entire purchase consideration with the Registry of this Court.
9. After the successful completion of auction, an initial attempt was made by the petitioners to try and modify our order dated 10.09.2025 directing an auction. This court, *vide* order dated 29.07.2026, was not inclined to modify the order dated 10.09.2025, as the said order had been passed after hearing all the concerned parties.
10. Furthermore, *vide* our orders dated 29.07.2026 and 11.08.2026, this Court has, in fact, extended extraordinary opportunities to the petitioners to either match the successful bid or bring prospective bidders of their own with a higher offer. We even

granted a leeway in allowing the new intending purchaser (ALTO Housing LLP) to deduct the 50% share pertaining to the petitioners and directed it to deposit only the remaining amount by 31.08.2026 to facilitate an open court bidding. We explicitly clarified in our order dated 11.08.2026 as follows: "if the deposit is not made on or before 31.08.2026, the sale will stand confirmed in favour of the purchaser who has already deposited the money." However, as a matter of fact, the intending purchaser (ALTO Housing LLP) has failed to deposit the said amount before the Registry of this Court by 31.08.2026.

11. Today, i.e. 10.09.2026, yet another attempt has been made by the learned Senior Counsel for the petitioners, relying on annexed communications addressed to the Advocate Commissioner and subsequent developments, to contend that the auction proceeding is illegal and ought not to be confirmed. The primary basis for this contention was an attempt to argue that the auction process had allegedly undervalued the property, as evidenced by the petitioners bringing forward a new intending purchaser (ALTO Housing LLP) offering Rs. 250 crores.

12. It is quite unfortunate that such a contention is being made repeatedly at the instance of the petitioners, despite multiple opportunities and leeways having been extended by this Court to the petitioners. Even today, despite our earlier order dated 11.08.2026 fixing a specific time limit for the intending

purchaser (ALTO Housing LLP) to make a deposit before the Registry of this Court, we have granted yet another opportunity to the learned senior counsel appearing for the petitioners to ensure that the intending purchaser (ALTO Housing LLP) would deposit 50% of the sale consideration that they are willing to offer. However, it is submitted that the same would not be possible.

13. Hence, when viewed from any angle, the petitioners and their prospective buyers have miserably failed to deposit the required sums or sustain a viable alternative. The objections raised by the petitioners against the concluded auction process are, therefore, devoid of merit and merely attempts at prolonging the inevitable.
14. In such view of the matter, the sale of the subject property is, hereby, confirmed in favour of the successful bidding consortium, which has already deposited the entire bid amount of Rs.232.50 crores before the Registry of this Court.
15. This Court is now seized of Interlocutory Application No. 193170 of 2026, preferred by the successful auction purchasers, a bidding consortium, comprising Scindia Investments Private Limited (Applicant No. 1) and Gupta Machine Tools Private Limited (Applicant No. 2). The applicants in the said Interlocutory Application, upon confirmation of sale, seek specific directions

regarding the execution and registration of the sale deeds for Property No. 54, Friends Colony (East), New Delhi.

16. As aforementioned, the applicants/consortium members have already strictly complied with the terms of the auction and this Court's directives by depositing the entire purchase consideration of Rs.232,50,00,000/- (Rupees Two Hundred Thirty-Two Crores and Fifty Lakhs) with the Registry on 24.06.2026.
17. Per the Joint Bidding Agreement dated 08.06.2026 executed between the consortium members, the capital contributions and future ownership of the land parcels are apportioned strictly in the ratio of 63.57% for Scindia Investments Private Limited (Applicant No. 1) and 36.43% for Gupta Machine Tools Private Limited (Applicant No. 2). In this context, it is submitted on behalf of the said applicants/consortium members that issuing a single, undivided joint title deed would necessitate a subsequent partition deed, triggering additional financial burdens such as stamp duty and registration charges. It is also submitted that an undivided title would severely prejudice their ability to raise independent development loans, create clean commercial mortgages, and secure necessary municipal approvals, including mutations from the Municipal Corporation of Delhi.
18. We find merit in these submissions. Executing separate title deeds for the demarcated portions neither prejudices any party to

the main litigation nor alters the gross consideration receivable by the co-owners of the subject property.

19. Accordingly, I.A. No. 193170 of 2026 is allowed to the extent prayed for regarding the sale deeds and the following directions are issued:

a. The learned counsel appearing for the Advocate Commissioner is empowered and directed to execute, sign, and register two separate and distinct Sale Deeds directly in favour of the applicants/consortium members as follows:

i. Sale Deed 1: To be executed in favour of Scindia Investments Private Limited for a physically mapped and demarcated portion measuring approximately 2,450 square yards, representing 63.57% of the gross land area.

ii. Sale Deed 2: To be executed in favour of Gupta Machine Tools Private Limited for a physically mapped and demarcated portion measuring approximately 1,404 square yards, representing 36.43% of the gross land area.

b. It is made clear that the entirety of the applicable stamp duty, registration fees, transfer duties, corporation

surcharges, and any incidental statutory charges leviable on both separate Sale Deeds shall be borne exclusively by the applicants/consortium members in accordance with their internal proportions.

- c. No portion of the stamp duty or registration expenses shall be deducted from or adjusted against the gross auction consideration of Rs. 232,50,00,000/- deposited with the Registry.
- d. In terms of the applicable provisions of the Income Tax Act, it is stated that a statutory deduction of 1% Tax Deducted at Source (TDS) is required to be made upon the transfer of immovable property. Since the entire gross purchase price of Rs. 232,50,00,000/- is lying deposited before the Registry of this Court, the Registry, in co-ordination with the learned counsel appearing for the Advocate Commissioner, is directed to deduct 1% TDS at the time of the release and disbursement of the respective shares of the purchase price to the four co-owners.
- e. The Registry, in co-ordination with the learned counsel appearing for the Advocate Commissioner, shall ensure that the TDS so deducted is duly deposited with the Income Tax Department against the respective Permanent Account Numbers

(PANs) of the four co-owners, and the corresponding TDS certificates (Form 16B) are promptly furnished to them.

f. The Registry, after deducting TDS in the above-mentioned manner, is directed to disburse the net sale consideration, in co-ordination with the learned counsel appearing for the Advocate Commissioner, as follows:

- i. 31.218% shall be disbursed to Mr. Bishwajeet Singh (Petitioner No. 1 herein).
- ii. 18.782% shall be disbursed to the Legal Representative(s) of Late Mrs. Vijay Kumari (Petitioner No. 2 herein).
- iii. 25% shall be disbursed equally to the Legal Representatives of Late Mr. Bikramjit Singh (Respondent Nos. 1 to 3 herein).
- iv. With respect to the remaining 25% share, as recorded in this Court's order dated 10.09.2025, the widow of Defendant No. 2 (Late Mrs. Madhuri Singh), who had claimed a 25% share, has passed away, and her legal heirs are not presently before this Court. Therefore, the Registry is directed to retain the 25% share corresponding to her branch and invest the same in a

short-term, interest-bearing fixed deposit with a nationalized bank. The release of this 25% share shall remain subject to the final determination of her legal heirs and the outcome of the related proceedings pending before the High Court.

- g. A sum of Rs. 2,00,000/- (Two Lakhs) shall be paid to the learned counsel appearing for the Advocate Commissioner for the efforts to be undertaken to give effect to the directions passed by this Court in this order. The said sum shall be borne by the four (4) shareholders in proportion to their respective shareholding.
- h. Insofar as delivery of vacant possession of the subject property is concerned, this Court *vide* order dated 10.09.2025 had formally recorded the express undertaking of Respondent No. 1, who is said to be in actual physical occupancy of the premises, to hand over complete vacant possession to the incoming purchaser within a period of one month from the date of final sale confirmation. In terms of the said undertaking, Respondent No. 1, and any person claiming through or under him, is directed to hand over peaceful, vacant, and physical possession of the entire Subject Property to the authorized representatives of the applicants/consortium members, within one month from the date of receipt of a copy of this order.

- i. In the event of any failure or default on the part of the occupants to hand over vacant possession within the stipulated timeframe, the local police authorities, including the Station House Officer (SHO) having territorial jurisdiction over Friends Colony (East), New Delhi, shall provide all necessary police assistance to enforce the immediate delivery of vacant physical possession to the applicants/consortium members upon written request from the learned counsel appearing for the Advocate Commissioner.
 - j. Upon the delivery of physical possession, the applicants/consortium members are granted leave to level and demolish the existing superstructure standing on the Subject Property at their own cost, risk, and expense, prior to the formal administrative registration of the deeds, strictly in conformity with local municipal and environmental regulations.
20. The Special Leave Petition stands disposed of, in the aforesaid terms.
21. IA No.193912/2026 and IA no.191544/2026 for impleadment stand allowed in view of this order.

22. **IA No.209715/2026 stands disposed of in view of order dated 29.07.2026 passed by this Court.**

23. **Pending applications, if any, shall also stand disposed of.**

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR