

Delhi Development Authority

Vs

Skipper Construction and Another

IAs Nos. 15, 16, 29, 30, 32,-A, 32-B, 65, 66, 67, 68, 69, & 70

(M. Jagannadha Rao, Umesh C. Banerjee JJ)

04.05.1999

ORDER

1. On 15-3-1999, an order was passed by this Court in this IA stating that prima facie, there was violation of the orders of this Court by Shri Prabhjot Singh Sabharwal and his wife Harpreet Kaur. We directed notice to be issued to the abovesaid two persons and also directed the commissioner of Police, New Delhi to see that the notices were served on the abovesaid two persons. There was a further direction that Shri Prabhjot Singh and Harpreet Kaur were to be present in this Court today, 5-4-1999 at 2 p.m. The Commissioner of Police was also directed to ensure the presence of the two persons today before this Court.
2. The office report dated 3-4-1999 shows that no compliance report has been received so far from the commissioner of Police. However, the learned counsel appearing for Smt Harpreet Kaur submits that she is present in the court and on her behalf, time is requested for filing a reply to the show-cause notice issued by this Court. In the abovesaid order, we had also directed notice to be issued to M/s Shikha Developers Ltd, Delhi. The office report shows that they have been served and their learned counsel seeks time to file counter-affidavit.
3. We grant two weeks' time for filing counters.
4. So far as Prabhjot Singh is concerned, he is not present in spite of the court's order, (though it was represented by a person who was present in the court that Shri Prabhjot Singh was waiting outsider for some time). Be that as it may. He is not present inside the courtroom. Dr A.M. Singhvi, Senior counsel who appeared on instructions from Shri Sohail Dutt, Advocate on behalf of Smt Vijayalakshmi Menon, Advocate-on-Record stated that Shri instructed him to inform the Court that Shri Prabhjot Singh (Who is present in Court), had instructed him to inform the Court that Shri Prabhjot Singh would be able to present himself physically in this Court if this Court could give him protection against arrest pursuant to other arrest warrants issued against him by different courts or authorities. The learned counsel also submitted that by different courts or authorities. The learned counsel also submitted that Shri Prabhjot Singh was willing to file as affidavit as directed by this court by order dated 15-3-1999. It was also contended that Shri Prabhjot Singh had not violated any orders of this court and has nor committed any contempt.
5. The question whether Shri Prabhjot Singh has committed any contempt of earlier order of this Court is a matter which can be decided after he files a counter-affidavit. So far as the order of this Court dated 15-3-1999 is concerned, we are of the opinion that when his presence was required today, the least he could have done was to file an affidavit in this court seeking exemption from appearance before this court. Instead, he has chosen to instruct his unless Shri K. J. Singh, to inform

his counsel and the Senior Court unless some sort of protection is granted to him.

6. One would have expected a person who had knowledge of the orders of this court to be present today at 2 p. m. or seek exemption from personal appearance. Neither has been done. After hearing the Senior Counsel Dr A.M. Singhvi, we are prima facie, of the view that the absence of Shri Prabhjot Singh today despite the knowledge and that too, without filing any application for exemption, prima facie, amounts to an independent contempt by itself for which also he is required to give his explanation.

7. The Commissioner of Police should have informed this court as to the reasons for which he was not able to have the notice issued by this court served on Shri Prabhjot Singh. It is rather unfortunate that not only no counsel appears on his behalf but not even information has been furnished to the Registry as to what action he has taken pursuant to the directions of this Court contained in our order dated 15-3-1999 asking him to see that notice is served on Prabhjot Singh.

8. A notice will issue to the commissioner of Police to explain why no report has been submitted to this Court. The commissioner will also ascertain whether and, if so, how many arrest warrants and from which courts, are pending against Shri Prabhjot Singh and also the reasons for the delay for non-execution of the said warrants.

9. In the affidavit proposed to be filed on behalf of Shri Prabhjot Singh, he should furnish his address where he is residing and also a list of all the arrest warrants that have been issued against him. He must also be physically present on 19-4-1999 in this Court.

10. The Commissioner of Police is once again directed to have the notice served on Shri Prabhjot Singh and ensure his presence on 19-4-1999.

11. Another interesting aspect of this matter is that the office report shows that the commissioner of Police has not been able to have the notice served even on Harpreet Kaur though she is present in court today and is represented by counsel. In the circumstances, the Commissioner of Police will ascertain the facts relating to the non-service of the notice issued by this court and will file an affidavit by the next date of hearing as to the circumstances in which the notice could not be served on Shri Prabhjot Singh or his wife and also the circumstances under which Shri Prabhjot Singh could not be produced in court today.

12. A copy of this order will be furnished to the counsel for the Delhi Government for communication to the Commissioner of Police. List the matter on 19-4-1999.

*IAs Nos. 32-A and 32-B of 1996*

13. These two IAs relate to Barakhamba Road property and concern Skipper Towers Ltd. and Skipper Sales Pvt. Ltd. It is the contention of the petitioners that monies collected from various intending purchasers of flats - which were to be constructed on Barakhamba property - were diverted and spent for construction at Jhandewalan property and elsewhere. The petitioners have referred to the report of the Saharya Commission and also to certain findings given by the Department of Company Affairs.

14. The Directors of Skipper Construction Company namely Tejwant Singh and his wife Surinder Kaur are hereby suo motu impleaded in both the matters, IAs Nos. 32-A and 32-B of 1996 as

respondents because it is the case of the petitioners that they are directors of Skipper Construction Pvt. Ltd. Notice will also issue to other persons who figure as Directors of Skipper Construction Company (details to be given by Lt. Col. Jaswant Singh). If the names are given, they shall also stand impleaded in these two IAs. So far as Surinder Kaur is concerned, she is represented by her counsel Mr. Rajiv Garg for whom Mr. M. L. Verma, learned Senior Counsel has appeared and the counsel seeks time for filing counter-affidavit.

15. Issue notice to the respondents who are impleaded in the petition originally and to those who are impleaded today.

16. Impleaded parties (respondents) will appear personally or through their counsel on 3-5-1999.

*IAs Nos. 29 and 30 (Jhandewalan property)*

17. In the meantime, the amicus curiae is requested to furnish a list of the different properties with regard to which there are claims pending which claims have not so far been disposed of and also details of the respective owners of the properties with a view to enable this Court to issue further directions with regard to those claims. List may be furnished by 3-5-1999.

18. Photocopies of the orders (details to be furnished by the advocate to the Registry) to be provided by the Registry to Mr. Rajiv Garg, Advocate on payment of charges.

Court Masters

Delhi Development Authority

Vs

Skipper Construction and Another

IAs Nos. 15, 16, 23, 24, 25, 27, 30, 31, 32, 32-A, 32-B, 33, 41-49, 51-54, 61, 62, 63, 65, and, 66 in  
SLP (C) No. 21000 of 1993

(M. Jagannadha Rao, U. C. Banejee JJ)

15.03.1999

ORDER

IA No. 24

1. IA No. 24 is for listing IAs Nos. 15, 16, 30 and 31 while IA No. 25 is for condonation of delay in filing IA No. 24 inasmuch as IA No. 25 becomes unnecessary. Therefore, IAs Nos. 24 and 25 stand disposed of.

IA No. 30 in SLP No. 21000 of 1993

2. This IA has been filed by Lt. Col. Jaswant Singh on 31-7-1995 for taking suitable action against various persons including Shri Prabhjot Singh Sabharwal, son of Shri Tejwant Singh and his wife

Smt Harpreet Kaur on the ground of violation of the orders of this court. It may be noticed that on 8-2-1995, an order was passed by this Court in SLP No. 21000 of 1993 as follows:

"All the properties of the bank accounts standing in the names of the contemners and the Directors of M/s skipper construction company Pvt. Ltd. And their wives, sons and unmarried daughters will stand attached."

3. Para 4 of the application states that Shri Tejwant Singh has two sons, namely, Shri Prabhjot Singh and Shri Prabhjit Singh who are/were directors in various skipper Companies as detailed in IA No. 15, that the elder son of Shri Tejwant Singh, namely, Shri Prabhjot Singh along with his wife Smt the director of a company styled as Technology Parks Ltd. That they were Directors as mentioned above is stated to be clear form letters dated 23-2-1993 and 26-3-1993 addressed to "Dear Plot Buyers".

4. It is also stated that Shri prabhjot Singh has styled himself as P.S. Sabharwal to confound various plot-buyers.

5. The Judgment in the case of DDA v. Skipper Construction co. (P) Ltd.<sup>1</sup> states the contention of Shri Prabhjot Singh Savharwal in his counter-affidavit in IA No. 29 of 1996 that he was in no way concerned with the several companies pointed out by DDA (as belonging to Tejwant singh and members of his family) and that he was interested only in one company, namely, Technological park Pvt. Ltd., Noida, could not be accepted.

6. This Court finally issued directions in sub-para (4) of para 35, in the above judgement, directing that the attachment of the properties belonging to Shri Tejwant Singh, his wife and children, which was already effective, should continue to be in force pending further orders. In that connection, the Court referred to various properties mentioned in IA No. 29 of 1996 as being the subject-matter of the attachment. It was not in dispute before the court that one of the nine companies listed out in IA No. 29 of 1996 by DDA was Tehchnology Park Pvt. Ltd.

7. Prima facie it is, therefore, clear that the properties of Technology Park Pvt. Ltd. Were attached by this court as belonging to Shri Tejwant Singh, his wife and sons.

8. It was mentioned by this Court in the above judgment that it was open to Shri Tejwant Singh, his wife or children to come forward with a proposal to sell the various properties mentioned in IA No. 29 of 1996 Including the court was satisfied about the bona fides of the deal, the attachment would be lifted on condition of deposit of the consideration into the court. It was also stated that the deposit would be treated as a deposit towards the direction regarding deposit of Rs 10 crores contained in the same judgement.

9. It has been now brought to our notice that there is an advertisement in The times of India dated 22-1-1999 at p. 6 by M/s Shikha Developers Ltd., Delhi, as follows:

#### "PUBLIC NOTICE

It is notified that the flat purchasers in 23 and 26, Vaishali Housing Scheme, Ghaziabad, may contact at the site between 12 p.m. and 4.p.m. for reconstruction/redresal of their grievances regarding adjusting the outstanding liabilities of M/s Technolgy park Ltd.; it is decided that the grievances of the prospective purchasers would be given top priority."

10. The abovesaid notice was issued in the name of an advocate by the name of Mr Chandrashekhar. The learned Amicus Curiae, Shri Joseph Vellapally has stated before us that it has now been ascertained that the address of M/s Shikha Developers is D-77, Regal Building, Connaught Place, New Delhi and the address of Technology Park Ltd. is C-483, Sarita Vihar, New Delhi.

11. It prima facie appears to us that there is a violation of the order of this Court prohibiting any sale of the property owned by Technology Park Pvt. Ltd. And that prima facie the violation of the orders of this court is by Shri Prabhjot Singh and his wife Smt Harpreet Kaur. We have already referred to their assertion at an earlier stage that they were exclusive owners of this property, and Shri Tejwant Singh had no concern. This was not accepted. It has, therefore, become necessary to issue contempt notices to both Shri Prabhjot Singh as well as his wife Smt Harpreet Kaur.

12. In a statement filed by counsel appearing for Tejwant Singh today before us, containing a list of properties of Shri Tejwant Singh, his wife, sons and daughters, it has been stated that so far as Shri Prabhjot Singh is concerned, his address was not known even to his father, Shri Tejwant Singh.

13. In the circumstances, we direct contempt notices be issued through the Commissioner of Police, New Delhi. The Commissioner of Police will assure that these notices are served on Shri Prabhjot Singh, son of Shri Tejwant Singh and Mrs. Harpreet Kaur, wife of Prabhjot Singh. Shri Prabhjot Singh and Mrs Harpreet Kaur are directed to be present in court on 5-4-1999 at 2 p.m. The Commissioner of Police, New Delhi will ensure the presence of the above two persons on that day before this court.

14. We also issue notice M/s Shikha Developers Ltd. (address given above) to inform the court about the details of the transactions entered into by them Shri Prabhjot Singh and his wife Mrs Harpreet Kaur in relation to 23 and 26, Vaishali Housing Scheme at Ghaziabad and in relation to the property transactions of Technology Park Pvt. Ltd.

15. This IA is not pressed. It is disposed of accordingly.

IAs Nos. 55, 59, 56, 57, 63, 35

17. These IAs will be listed on 19-4-1999. Mr H. N. Salve, Senior counsel for Reserve Bank seeks time to obtain appropriate instructions after perusing the report of the two Deputy Governors of Reserve Bank. He is allowed to make out a copy of the report for his personal use from the original which is given to Shri Joseph Vellapally.

IA No. 32

18. This IA has been filed by Col. Jaswant Singh seeking direction that a sum of Rs 13 crores be directed to be set apart by DDA and for freezing the assets of Skipper Group of companies including bank accounts and rent of No. 3 Aurangzeb Road.

19. Inasmuch as we are dealing with the claims of persons against Barkhamba property in IA No. 30 and inasmuch as there are already attachment orders of various properties of Skipper Group of companies in that IA and the rent of No. 3 Aurangzeb Road is already being deposited in this court (IA No. 32), there is no need to keep this IA pending. The same i.e. IA No. 32 is disposed of as unnecessary.

IA No.33

20. This IA is filed for taking on record the documents filed along with IA No. 32. As the documents are taken on record this IA No. 33 has become infructuous.

IAs Nos. 32-A and 32-B

21. To be listed on 5-4-1999.

IAs No. 23 and 61

22. In these IAs the relief claimed is for refund of the amount paid by the petitioners therein for Skipper co. Inasmuch as the principal amount has since been returned to them these IAs Nos. 23 and 61 do not survive. However, the claim of these petitioners for interest will be dealt with in IA No. 62.

IA No 27

23. This IA is by Bau Makhan Singh House Flat Buyers' Association and has been filed claiming interest on behalf of the flat-buyers. Inasmuch as this issue will be taken up in IA No. 62, this IA is not necessary. Whatever orders will be passed in IA No. 62, those will be for the benefit of these claimants in IA No. 27.

IA No. 62

24. To be listed on 26-7-1999.

IA Nos. 41 to 49 and 51-54

25. Shri M. L. Verma, learned Senior Counsel wants to find out if any of the claimants have made claims before any other forum in regard to the same property. List on 26-7-1999.

SLP ( C ) No. 21000 of 1993

26. Copies of the reports of Justice R.C. Lahoty and Justice O. Chinnappa Reddy in regard to the claims put forward by various claimants before January 1991 and subsequent to 1991, will be given to Mr. Hoseph Vellapally, AC. It will be open to Mr Vellapally to have copies issued to other counsel appearing in the cases and also to those whose whole claims were rejected. A detailed statement will be prepared in that regard as to which claims are rejected in the above reports and as to whether the claimants have approached any other forum. List on 26-7-1999.

27. Registry is directed to list applications filed by Mr Raj Kumar Sssareen through M/s S. Narain and Co. on 5-4-1999. Registry is also directed to list the application filed by Mr. H.K. Puri in the matter of N.C. Dutta, Commissioner, Sanchita Investments on 5-4-1999.

28. An application has been filed by Mayank Raj in respect of Symphony Apartment. The Registry is directed to list the same IA on 5-4-1999.

29. IAs Nos. 15, 16, 65 and 66 to be listed on 5-4-1999.

Delhi Development Authority

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IAs Nos. 15, 16, 23, 24, 25, 27, 30, 31, 32, 32-A, 32-B, 33, 41-49, 51-54, 61, 62, in SLP (C) No. 21000 of 1993

(M. Jagannadha Rao, U. C. Banerjee JJ)

10.02.1999

ORDER

1. Two interlocutory applications filed on behalf of Subhash Khetrapal & Ors. And Mrs Manju Dhar & Maday Dhar & Ors. By Mr C.N. Sree Kumar be registered and listed on the next date of hearing.
2. IA No, 63 filed on behalf of Punjab & Sind Bank for intervention also be listed on the next date of hearing i.e. 15-3-1999.
3. The Directors of skipper Construction are represented before us by Mr M.L. Verma, Senior counsel. The above directors shall furnish list of all immovable properties held or owned by them either in their own personal names or in the name of any of the companies of which they are on the Board of Directors or in which they are shareholders and also in the names of their sons and unmarried daughters, as on 27-1-1995 and also as on today.
4. Whenever any interlocutory applications are proposed to be filed in this matter, the Registry will direct the party to first file the application before the Amicus Curiae Advocate, Mr Joseph Vellapally. Thereafter the Court will hear Shri Vellapally and decide whether the IA should be entertained by the Registry or not.
5. List the matter on 15-3-1999 at 2.00p.m. before the same Bench.