

Present: - Sh. Krishna Parashar, Advocate for DH.
Mr. Mohd. Imran Ahmed, Advocate for JD
Sh. Navneet Tripathi, Advocate for State Bank of India

On 18.09.2024 a bank account of JD i.e. account No. 40205210917 with State Bank of India, 91 IDC, MID Corp. Branch, Gurugram was ordered to be attached to realize decretal amount. Manager of said bank be directed not to allow withdrawal of any amount from this account leaving balance less than decretal amount. Report of Bank Manager was also called for next date, which was 18.11.2024. No such report was received. Same was again called for today.

Sh. Navneet Tripathi, Advocate appeared on behalf of said bank and files Vakalatnama/power of attorney, ^{report} along with statement of said account of JD. According to him, there is balance of Rs. 5,00,000/- in this account. The Bank has no objection, if this amount is released.

Considering all this, Manager of the said Bank be directed to remit amount of Rs. 5,00,000/- as per rules of the Bank to the account of authority i.e. account No. 103101002050 with ICICI Bank, so that same can be disbursed to the DH.

According to learned counsel for DH, ~~there is a~~ decretal amount ^{is} of Rs. 1,52,85,857/- due against JD at this time. Even after receipt of Rs. 5,00,000/-, there remains amount to be recovered from JD. He requests to attach another bank account of JD i.e. account No. 40206750032 with said bank of JD. According to him, this is not an escrow account, attached with any project of the JD. Learned counsel for JD has objection in this regard stating that he is not sure whether aforesaid account is an escrow account

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or not. Moreover, according to him, DH is required to file ^{written} proper application in this regard. I am not in consonance with ^{the plea as} contention raised by learned counsel for JD in this regard. Even oral application can be entertained. Request for attachment of aforesaid account of JD is allowed. Manager of said bank be directed not to allow withdrawal of any amount from this account leaving balance less than decretal amount. Report of him/her be again called for next date about balance in this account.

Learned counsel for DH gave details of directors of JD and requests for issuing arrest warrants against directors of JD.

Admittedly, order under execution is about recovery of the amount. In such a case, arrest of JD is last resort. Efforts are being made to recover decretal amount by attaching assets/properties ^{including} of bank account of JD. No reason to issue arrest warrant against directors of JD at this stage. Request in this regard is declined.

To come on 16.04.2025 for further proceedings.

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(Rajender Kumar)
Adjudicating Officer,
04.12.2024