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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9511/2024**

VIKAS CHOPRA S/O T.D. CHOPRA

...Petitioner

Through: Mr. Adarsh Tripathi, Mr. Vikram S.
Baid and Mr. Ajitesh Garg,
Advocates.

versus

M/S VHV BEVERAGES PVT. LTD.

...Respondent

Through: *Appearance not given.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.07.2024

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1. It is the case of the Petitioner that he is the lawful owner and landlord of the industrial plot situated in Khasra Nos. 151//16/3, 24/2, 25 located in Village Roahd, Distt. Jhajjar, Haryana admeasuring 5412 Sq. Mtrs. including 25000 Sq. Ft. of constructed area. In 2012, this property was leased to the Respondent company for an initial period of nine years commencing from 1st December, 2012. The said term expired in December 2021; however, the possession has not yet been returned to the Petitioner. Furthermore, the Petitioner asserts that the Respondent has defaulted in payment of rent since 2018 and the arrears are now amounting to more than Rs. 2 crores.

2. In fact, the Petitioner also filed a civil suit for recovery of possession before the Civil Court at Bahadurgarh, Haryana, however, since Corporate



Insolvency Resolution Proceedings had been initiated against the Respondent, the proceedings in the Civil Suit could not continue on account of the moratorium under the Insolvency and Bankruptcy Code, 2016. In such circumstances, the Petitioner has filed three applications before the NCLT, Delhi, being:-

- (a) I.A. 1981 of 2022 - seeking payment of monthly rent from 9th December, 2021 onwards,
- (b) I.A. 3539 of 2022 - seeking vacation and handover of the leased property of the Petitioner, peaceful possession of the property to the Petitioner and payment of monthly rent of Rs. 6,50,000/- from the date of completion of the CIRP till the date of actual handover of the leased property to the Petitioner.
- (c) I.A. No. 5081 of 2023 – for avoidance of the manufacturing unit along with the leased property of the Petitioner by the Respondent to Crystal Beverages.

However, the said applications have not been adjudicated since 2022.

3. In light of such facts, the Petitioner has approached this Court seeking directions to the Respondent to make the payment of arrears of rent and for handing over of the vacant possession to the Petitioner. In the alternative the Petitioner seeks direction to the NCLT, New Delhi to adjudicate the pending applications.

4. The Court has been informed that the next date of hearing before the NCLT, New Delhi is scheduled to be 22nd July, 2024. Considering the facts narrated above, the NCLT, New Delhi is directed to take up the Petitioner's interim applications being I.A. No. 1981 of 2022, I.A. No. 3539 of 2022 and I.A. No. 5081 of 2023 filed by the Petitioner in CP(IB) ND 1680 of 2019,



and to decide the same expeditiously.

5. With the above directions, the present petition is disposed of along with pending application(s), if any.

6. It is made clear that the Court has not examined the merits of the case. Accordingly, all rights and contentions of the parties are left open.

SANJEEV NARULA, J

JULY 15, 2024

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