

Before Shri R.S. Virk, District Judge (Retd.) appointed to hear objections/representations

(In the matter of PACL Ltd.)

File No. 219 of Smt Brijesh Sharma

OBJECTIONS

1. The objections in hand are the outcome of property measuring 350sq mts.comprised in plot no. 040, Block C, Sec – 44, Noida measuring 350sq meters listed as **(MR No. 5450-16 and 5456-16)** on www.auctionpacl.com as being liable to auction. In the said list, PACL India Ltd. is shown to be the buyer of the above described plot from PGF Ltd.
2. It is claimed that infact the above described plot had been transferred by way of lease deed dated 16/06/2000 in pursuance of letter no. Noida/DM(R)/94/165 dated 01/08/1994 by Noida Authority in favour of Harnand Singh and possession thereof was duly handed over to the above named allottee vide letter No. Noida/19.5(R)-4248 dated 16/06/2000.
3. Subsequent thereto, on the request of above named allottee Harnand Singh, the Noida authority in pursuance of its letter No. Noida/G.M (R)/3136 dated:11/07/2000 had statedly permitted transfer of the said property in favour of M/s PGF Ltd. by Harnand Singh which was so affected by transfer deed dated 18/07/2000. Mutation in favour of PGF was accordingly entered vide letter No. NOIDA/Res Plots/2003/11625 dated 11/11/2003.
4. The above named vendee viz M/S PGF Ltd. in turn had transferred the aboved described property in favour of Smt Brijesh Sharma Objector vide transfer cum sale deed dated 20/10/2004 read with transfer memorandum No. NOIDA/Res Plots/2464 dated 08/10/2004.
5. Subsequent thereto, Noida authority statedly mutated the aforesaid property in favour of objector Smt Brijesh Sharma vide letter No. Noida/Res.plots/2003/6134 dated:14/12/2004.
6. It is claimed interalia by producing today a letter dated 14/02/2014 issued by AXIS Bank Noida that this property stands mortgaged with the above named Bank and that a house stands constructed thereon.
7. In view of above referred documents, it is claimed that the above described property be released from the list of properties of PACL listed for auction by the committee dealing with PACL matters.
8. The apparant basis of the entry in **MR NO 5450-16** showing PACL India Ltd to be the buyer of the above described plot from PGF Ltd. is an agreement of sale dated 26/03/2001, executed by M/S PGF Ltd. with M/S PACL India Ltd. whereby the former had offered for sale to the latter the said plot for an amount of Rs. 31 lakhs and pursuant whereto an amount of Rs. 6 lakhs and 30 thousand was paid by PACL to PGF vide cheque No. 045825 dated 26/03/2001 drawn on Corporation Bank. As per the said agreement of sale dated 26/03/2001, the sale deed was to be executed within the period of one year to be computed from the date of execution of the said agreement this 26/03/2001. No sale deed having been so executed is indicated anywhere and therefore the claim of the objector based on documents detailed in para 2 to 5 of this order above cannot be excluded from consideration.
9. In view of the foregoing discussion, the property described above is liable to be removed from the list of properties put up for auction in www.auctionpacl.com .

Date : 29/12/2017


R. S. Virk
Distt. Judge (Retd.)