

ITEM NO.15

COURT NO.1

SECTION II-C

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 (Crl.) No(s).5978-5979/2017
(Arising out of impugned final judgment and order dated 11-08-2017
in BA No.1573/2017 11-08-2017 in BA No.1574/2017 passed by the High
Court of Delhi at New Delhi)

SANJAY CHANDRA & ANR.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI

Respondent(s)

([NAME OF THE ADVOCATE MR. PAWAN SHREE AGARWAL (A.C.) MAY BE SHOWN]
FOR ADMISSION and I.R. and IA No.73474/2017-APPLICATION FOR
EXEMPTION FROM FILING CERTIFIED and IA No.76075/2017-INTERVENTION
APPLICATION and IA No.77430/2017-INTERVENTION APPLICATION and IA
No.77805/2017-INTERVENTION APPLICATION and IA
No.77829/2017-INTERVENTION APPLICATION and IA
No.78211/2017-INTERVENTION APPLICATION and IA
No.82341/2017-INTERVENTION APPLICATION and IA
No.82792/2017-INTERVENTION APPLICATION and IA
No.82837/2017-INTERVENTION APPLICATION and IA
No.82994/2017-INTERVENTION APPLICATION and IA
No.85841/2017-INTERVENTION APPLICATION and IA
No.85847/2017-INTERVENTION APPLICATION and IA
No.85851/2017-INTERVENTION APPLICATION and IA
No.85858/2017-INTERVENTION APPLICATION and IA
No.85865/2017-INTERVENTION APPLICATION and IA
No.85870/2017-INTERVENTION APPLICATION and IA
No.86243/2017-INTERVENTION APPLICATION and IA
No.86257/2017-INTERVENTION APPLICATION and IA
No.86301/2017-INTERVENTION APPLICATION and IA
No.86305/2017-CLARIFICATION/DIRECTION and IA
No.86428/2017-INTERVENTION APPLICATION and IA
No.87119/2017-INTERVENTION APPLICATION and IA
No.87175/2017-INTERVENTION APPLICATION and IA
No.87183/2017-INTERVENTION APPLICATION and IA
No.87197/2017-INTERVENTION APPLICATION and IA
No.87201/2017-INTERVENTION APPLICATION and IA
No.87210/2017-INTERVENTION APPLICATION and IA
No.87309/2017-INTERVENTION/IMPLEADMENT and IA
No.87314/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
No.87413/2017-INTERVENTION APPLICATION and IA
No.87452/2017-INTERVENTION APPLICATION and IA
No.89941/2017-INTERVENTION APPLICATION and IA
No.90004/2017-INTERVENTION APPLICATION and IA
No.90008/2017-INTERVENTION APPLICATION and IA
No.90011/2017-INTERVENTION APPLICATION and IA
No.90014/2017-INTERVENTION APPLICATION and IA
No.90019/2017-INTERVENTION APPLICATION and IA
No.90023/2017-INTERVENTION APPLICATION and IA

No.90395/2017-INTERVENTION APPLICATION and IA
No.90400/2017-INTERVENTION APPLICATION and IA
No.90575/2017-INTERVENTION APPLICATION and IA
No.90581/2017-INTERVENTION APPLICATION and IA
No.90659/2017-INTERVENTION/IMPLEADMENT and IA
No.90697/2017-INTERVENTION/IMPLEADMENT and IA
No.90743/2017-INTERVENTION APPLICATION and IA
No.90747/2017-INTERVENTION APPLICATION and IA
No.90799/2017-INTERVENTION APPLICATION and IA
No.90823/2017-INTERVENTION APPLICATION and IA
No.90881/2017-INTERVENTION APPLICATION and IA
No.90999/2017-INTERVENTION APPLICATION and IA
No.91001/2017-CLARIFICATION/DIRECTION and IA
No.91041/2017-INTERVENTION APPLICATION and IA
No.91242/2017-INTERVENTION APPLICATION and IA
No.91502/2017-INTERVENTION APPLICATION and IA
No.91653/2017-INTERVENTION APPLICATION and IA
No.91658/2017-INTERVENTION APPLICATION and IA
No.91667/2017-INTERVENTION APPLICATION and IA
No.91672/2017-INTERVENTION APPLICATION and IA
No.91692/2017-INTERVENTION/IMPLEADMENT and IA
No.91730/2017-INTERVENTION APPLICATION and IA
No.91737/2017-INTERVENTION APPLICATION and IA
No.91743/2017-INTERVENTION APPLICATION and IA
No.91751/2017-INTERVENTION APPLICATION and IA
No.91915/2017-INTERVENTION APPLICATION and IA
No.91918/2017-INTERVENTION APPLICATION and IA
No.91929/2017-INTERVENTION APPLICATION and IA
No.91934/2017-INTERVENTION APPLICATION and IA
No.91960/2017-INTERVENTION APPLICATION and IA
No.91988/2017-INTERVENTION APPLICATION and IA
No.92123/2017-INTERVENTION APPLICATION and IA
No.93209/2017-INTERVENTION APPLICATION and IA
No.94872/2017-INTERVENTION APPLICATION and IA
No.95331/2017-INTERVENTION APPLICATION and IA
No.95334/2017-INTERVENTION APPLICATION and IA
No.95374/2017-INTERVENTION APPLICATION and IA
No.95378/2017-INTERVENTION APPLICATION)

Date : 21-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Mr.M.C.Dhingra, Adv.
Mr.Gaurav Dhingra, Adv.
Ms.S.Lal, Adv.

Mr.Salman Khursheed, Sr.Adv.
 Mr.Abhimanyu Bhandari, Adv.
 Mr.Abhinav Agrawal, Adv.
 Mr.Rajiv Kumar Virmani, Adv.
 Mr.Gaurav Jain, Adv.
 Mr.Atul Malhotra, Adv.
 Ms.Unnati Mishra, Adv.
 Mr.E.C.Agrawala, AOR

(For applicants) Ms.Shobha, Adv.
 Ms.Rekha Pandey, Adv.
 Ms.Joyshree Barman, Adv.

(for applicant) Mr.S.S.Ray, Adv.
 Mr.Amitabh Chaturvedi, Adv.
 Mr.Vaibhav Gulia, Adv.
 Mr.Rakhi Ray, Adv.

For Respondent(s)

Mr.Ajay Jain, Adv.
 Mr.Jinendra Jain, Adv.
 Mr.Birjesh Yadav, Adv.
 Mr.Shekhar Raj Sharma, Adv.
 Mr.R.S.Garg, Adv.

Mr.M.L.Lahotry, Adv.
 Mr.Paban K.Sharma, Adv.
 Mr.Himanshu Shekhar, Adv.

Mr.Dhruv Mehta, Sr.Adv.
 Mr.Rajesh Kumar, Adv.
 Mr.Gaurav Kumar Singh, Adv.
 Mr.Bhumit Solanki, Adv.
 Mr.Rakesh Chaurasiya, Adv.
 Mr.Anant Gautam, Adv.
 Ms.Khushboo Aggarwal, Adv.
 Mr.Aakash Sehrawat, Adv.

(For Intervenor) Mr.Sunil Sharma, Adv.
 Mr.Niraj Sharma, Adv.

Mr.Varun K. Chopra, Adv.
 Mr.Yashavardhan Oja, Adv.

(For Intervenor) Mr.A.Kumar, Adv.
 Mr.Ruchit Daggur, Adv.
 Mr.Shivankar Mehrotra, Adv.

(For Intervenor) Mr.Partha Sil, Adv.
 Mr.Tavish B. Prasad, Adv.
 Ms.Subhayu Roy, Adv.

Mr.K.Anshuraj, Adv.

(For Intervenor) Mr.Anant Bhushan, Adv.
M/s Gian Finance Ltd.

(For Intervenor) Mr.Faheem Shah, Adv.
Ms.Liz Mathew, Adv.

(For Intervenor) Mr.Narendra Prasad Yadav, Adv.
Mr.Krishna Kumar Singh, Adv.

(For Intervenor) Mr.Vijay Kumar Sharma, Adv.
Mr.Narender Singh Yadav, Adv.

Ms.Vanshuja Shukla, Adv.
Mr.Parmanand Yadav, Adv.

(For Intervenor) Ms.Maheravish Rein, Adv.
Ms.Shamshravish Rein, Adv.
Mr.Manjeet Singh Ahluwalia, Adv.
Mr.Aldanish Rein, Adv.

Ms.Rashmi Nandakumar, Adv.
Ms.Prayag Routry, Adv.

Mr.Varun K. Chopra, Adv.

Mr.Rajiv Nanda, Adv.
Mr.T.A.Khan, Adv.
Mr.B.V.Balramdas, Adv.

(For Intervenor) Mr.Sauravbh Jain, Adv.
Mr.P.K.Jain, Adv.
Mr.S.P.Singh Rathore, Adv.
Mr.P.K.Goswami, Adv.

(For Intervenor) Ms.Vibha Mahajan, Adv.
Ms.Upasana Nath, Adv.

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

Heard Mr.Salman Khursid, learned senior counsel along
with Mr.Bhandari for the petitioner, Mr.Pawan Shree
Agarwal, learned counsel who is appointed as amicus curiae
in this case.

On 15.09.2017 this Court had passed the following order:

"Let the matter be listed on 21.09.2017 to enable Mr.Pawan Shree Agarwal, learned amicus curiae, to file a chart of all projects reflecting the number of home buyers and the amount paid by them.

The amicus curiae is permitted to collect data on a web portal from flat buyers who are interested in taking possession of the flats or those who have taken possession. All the home buyers including those who have already submitted the data are directed to upload the data on the web portal which shall be created by Mr.Pawan Shree Agarwal, learned amicus.

Let the matter be listed on 21.09.2017, on which date, the amicus shall provide the details of the web portal.

Liberty is granted to the petitioners to provide details to the amicus.

The persons who have given advance for the flats are also permitted to upload the details on the portal so that the amicus can collect the data in respect of them under a different category.

The learned amicus, is at liberty to take the assistance of any two lawyers. This Court shall fix their remuneration in due course."

Mr.Pawan Shree Agarwal, learned counsel has prepared a chart and created a Unitech Buyers Claims Submission Portal, that is, www.amicusunitech.in Link. It is his submission that the petitioners had taken up 74 projects out of which possession has been handed over to the home buyers in respect of 61 projects there are 16300 home buyers. The 61 projects involve 23931 flats.

According to Mr. Agarwal, the amount that is required to be refunded comes to Rs.7816 crores. In view of the aforesaid we ask the learned amicus curiae to invite options from the home buyers of the 61 projects whether they are inclined to take possession of the flats or desirous to get the amount refunded. Be it noted, the portal shall be operational from 22.09.2017. The home buyer who have already got possession in respect of 13 projects will not be entitled to give their option because they have already taken over possession.

The contents of the present order be published on the official website of the Supreme Court of India for wider circulation and benefit of the home buyers so that they can log in on the portal and indicate their options.

Let the matters be listed on 23rd October, 2017.

(Ashok Raj Singh)
Court Master

(H.S.Parasher)
Assistant Registrar