

ITEM NO.301

COURT NO.4

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(Only IA Nos. 97388/20, 47795/21, 80954/20, 80947/20, 50704/21, 50706/21, 79304/20, 5463/21 and 100828/18 and I.A. No. 118046/18 in SLP(Cr1)Nos. 5978-79/17 are to be listed

IA No. 97388/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 80954/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 50706/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 79304/2020 - INTERVENTION APPLICATION

IA No. 80947/2020 - INTERVENTION/IMPLEADMENT

IA No. 100828/2019 - INTERVENTION/IMPLEADMENT

IA No. 50704/2021 - INTERVENTION/IMPLEADMENT

IA No. 47795/2021 - INTERVENTION/IMPLEADMENT

IA No. 5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)

(IA No. 118046/2018 - CLARIFICATION/DIRECTION)

Date : 20-04-2022 These applications were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, AOR, (A.C.)

Mr. Varun K. Chopra, Adv.

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. N. Venkataraman, ASG

Ms. Anubha Agrawal, AOR

Mr. Siddhartha Dave, Sr. Adv.

Mr. Vishal Gosain, Adv.

Mr. Anuroop Chakravarti, Adv.

Ms. Ranjeeta Rohatgi, AOR

Ms. Tarannum Cheema, Adv.

Mr. Akash Kumar Singh, Adv.

Ms. Samten Doma, Adv.

Ms. Neeha Nagpal, Adv.

Ms. Aarushi Singh, Adv.

For Respondent(s)

Mr. N. Venkataraman, ASG
Ms. Anubha Agrawal, AOR

Ms. Madhavi Divan, ASG
Mr. K.M. Nataraj, ASG
Ms. Suhashini Sen, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. M.K. Maroria, AOR
Ms. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Rajan Kr Chourasia, Adv.
Mr. Prashant Singh B, Adv.
Mr. Amrish Kumar, AOR
Mr. Ayush Puri, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Praveena Gautam, Adv.
Mr. Shekhar Vyas, Adv.
Mr. Santosh Kumar, Adv.
Mr. Sughosh Subramaniam, Adv.
Mr. Ankur Talwar, Adv.
Ms. Vaishali Verma, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. T.A. Khan, Adv.
Mr. Anish Kr. Gupta, Adv.
Mr. Adit Khorana, Adv.
Mr. Digvijay Dam, Adv.
Mr. G.S. Makkar, AOR

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Mr. Sanjay Jain, ASG
Mr. Gautam Narayan, AOR
Mr. Unmukt Gera, Adv.

Mr. S.C. Dharmadhikari, Adv.
Mr. Aniruddha Joshi, Adv.
Mr. Kamleshwar Singh, Adv.
Ms. Jasmine Damkewala, AOR
Ms. Vaishali Sharma, Adv.
Mr. Dinesh Chander Trehan, Adv.

Mr Vikram Nankani, Sr Adv.
Mr Vipin Jain, Adv.
Mr Shwetabh Sinha, Adv.
Mr Ujjal Banerjee, AOR
Mr Ashish Rao, Adv.
Mr Akash Khurana, Adv.

Ms. Misha Rohatgi, AOR

Mr. M.L. Lahoty, Adv.
Mr. Divyesh Pratap Singh, AOR

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Mr. Nikhil Nayyar, Sr. Adv.
Ms. Pritha Srikumar Iyer, AOR
Mr. Naveen Hegde, Adv.
Ms. Mansi Binjrajka, Adv.

Mr. Anil Grover, Sr. AAG
Mr. B.K. Satija, AAG
Mr. Rahul Khurana, Adv.
Mr. Navin Gupta, Adv.
Mr. Suresh Kumar Bhan, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Brijesh Kumar Tamber, AOR
Mr. Saurabh Choudhary, Adv.
Mr. Yashu Rustagi, Adv.

Mr. Sanjeev Sen, Sr. Adv.
Mr. Salim A. Inamdar, Adv.
Mr. Modassir H. Khan, Adv.
Mr. Abhishek Thakral, Adv.
Ms. Astha Tyagi, AOR
Mr. Siddharth Raj Agarwal, Adv.

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Pradeep Chindra, Adv.
Mr. Raajan Chawla, AOR

NOIDA

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay K Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.

Ms. Charu Ambwani, AOR

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

Action Taken Report III by Unitech

- 1 The Central Government - appointed Board of Management of Unitech Limited¹ has submitted an Action Taken Report - ATR III for the period post 28 October 2021.

1 "Unitech"

2 Mr N Venkataraman, Additional Solicitor General, has traversed through the relevant part of the report, at this stage.

3 Chapter 3 of the report deals with the setting up of a Policy/Standard Operating Procedure for the sale of land assets. The land assets, broadly speaking, have been categorized into:

(i) Project land assets; and

(ii) Non-project land assets, as explained below in the following extract:

“4.1 Project land assets falling in the following categories -

(i) Those in respect of which third party rights have been created through sale of residential and commercial units and which are to be completed;

(ii) Those where further development/ utilization can be undertaken by the Company either by itself or through joint ventures or through sale of FSI (wherever permissible).

4.2 Non-project land assets, which are further divided into three categories -

(i) Those which are encumbrance free with clear titles and can be monetized through a well defined process;

(ii) Those qua which a charge has been created in favour of secured creditors/ lenders; and

(iii) The land assets where titles are still unclear.”

4 The Board of Management proposes to take up the sale/ monetization of land assets covered under paragraph 4.2 (i) above, for the present. The Board of Directors has approved a Policy/ Standard Operating Procedure for disposal of identified land parcels falling in category 4.2(i) above.

5 In order to ensure that the procedure which is proposed comports with the need to maintain transparency in the interest of realizing the best possible price for

the assets which would fund the construction of units for home buyers, we have proposed to the Additional Solicitor General that a former Judge of this Court may be associated with this process. The Board of Management has responded favourably by submitting that the induction of a former Judge of this Court into the process would provide transparency and would assist the Board of Management.

- 6 We request Mr Justice Abhay Manohar Sapre, a former Judge of this Court to assist the Board of Management in monetisation of the land assets under the auspices of the directions of this Court. The proposed SOP which is formulated in Annexure 3.1 of ATR III submitted to this Court shall be placed before Mr Justice Abhay Manohar Sapre for scrutiny and for such modifications as may be considered necessary. The fees payable to Mr Justice Sapre shall be determined in consultation with him by the Additional Solicitor General on the next date of listing.
- 7 A copy of the present order shall be forwarded by the Registrar (Judicial) to Mr Justice Abhay Manohar Sapre. Ms Anubha Agrawal, counsel, assisting the Additional Solicitor General, shall coordinate logistical arrangements in that regard.
- 8 Chapters 2, 7 and 8 of the ATR contains proposals for seeking the approvals of the planning authorities in the State of Haryana, NOIDA and Greater NOIDA and Bangalore Development Authority.
- 9 Mr Ravindra Kumar, senior counsel appearing on behalf of the NOIDA and Greater NOIDA has been provided with a copy of ATR III. He is requested to take instructions on the proposals set out in Chapters 2, 7 and 8 and report back to the Court on the next date of listing.

- 10 Mr Anil Grover, Sr AAG, who appears on behalf of the State of Haryana is requested to take instructions on behalf of the State of Haryana, as noted above. A copy of ATR III shall be served to Mr Anil Grover.
- 11 Issue notice to the Bangalore Development Authority. A copy of ATR III shall be served on the counsel appearing on behalf of the Bangalore Development Authority.

Civil Appeal Nos 10856/2016 and SLP(Crl) Nos 5978-5979/2017

List the following on 27 April 2022 at 2 pm:

- (i) Status Report dated 13 April 2022 of the DG (Prisons) filed in compliance of the order dated 9 March 2022
- (ii) Action Taken Report III by Unitech
- (iii) D.A. Kumar - IA Nos. 97388 of 2020, 47795 of 2021 filed by Unitech and IA Nos. 80954 of 2020 and 80947 of 2020 filed by D A Kumar;
- (iv) Carnoustie - IA Nos. 50704 of 2021, 50706 of 2021 filed by Unitech and IA Nos. 79304 of 2020, 5463 of 2021 filed by Carnoustie and IA No 118046 of 2018 in SLP(Crl) Nos 5978-5979/2017; and
- (v) IA No 100828 of 2019 in Civil Appeal No 10856 of 2016
- (vi) IA No 57578 of 2022 in SLP(Crl) Nos 5978-5979/2017

**(SANJAY KUMAR-I)
AR-CUM-PS**

**(SAROJ KUMARI GAUR)
COURT MASTER**