

ITEM NO.301

COURT NO.11

SECTION XVII

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)

(IA 163357/2018, 185446/2018, 185448/2018, 185449/2018, 16860/2019, 24639/2019, 24645/2019, 29729/2019)

WITH

C.A. No. 2511-2526/2017 (XVII)

(WITH IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION OF TIME)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

C.A. No. 5674/2017 (XVII)

C.A. No. 11108/2016 (XVII)
(Office report for direction)

C.A. No. 10851/2016 (XVII)

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

C.A. No. 15493/2017 (XVII)

(WITH IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

C.A. No. 17008-17011/2017 (XVII)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017 FOR CLARIFICATION/DIRECTION ON IA 15770/2018)

C.A. No. 9391-9404/2017 (XVII)

(FOR impleading party ON IA 98431/2017 FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017)

C.A. No. 11008/2017 (XVII)

(WITH IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-

INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 16858/2017 (XVII)
(WITH IA No.97166/2017-PERMISSION TO FILE APPEAL and IA No.112640/2017-impleading party and IA No.112648/2017-APPLICATION FOR TRANSPOSITION and IA No.128215/2017-impleading party)

SLP(C) No. 30997/2017 (XVII)
(WITH I.R.)

C.A. No. 20003/2017 (XVII)
(WITH IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3727/2018 (XVII)
(WITH I.R. and IA No.41950/2018-CONDONATION OF DELAY IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12667/2018 (XVII)
(WITH I.R.)

C.A. No. 6837-6838/2018 (XVII)

Diary No(s). 20540/2018 (XVII)
(WITH IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 8524/2018 (XVII)

C.A. No. 10609/2018 (XVII)
(WITH IA No.141034/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 30270/2018 (XVII)
(WITH I.R. and IA No.164959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 40477/2018 (XVII)
(WITH IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 51/2019 (X)
(WITH IA No.8597/2019-CLARIFICATION/DIRECTION)

Diary No(s). 1380/2019 (XVII)
(WITH IA No.14639/2019-CONDONATION OF DELAY IN FILING and IA No.14640/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.14641/2019-STAY APPLICATION)

Date : 07-03-2019 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE M.R. SHAH

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

In pursuance of the previous order, Mr. Sameer Paranjape of M/s. Grant Thornton has made submissions before this Court. Mr. Paranjape explains that the position in regard to the forensic audit is as follows:

(i) 80% of the financial and operational records have been made available to the forensic auditors. Mr. Pinaki Misra, learned senior counsel appearing with Mr. Abhimanyu Bhandari, states that the balance shall be made available to the forensic auditors within one week from today;

(ii) The auditors were apprised initially that for 74 projects of UNITECH, there were 249 bank accounts. Of these, bank statements for 240 accounts have been received by the forensic auditors. However, it emerges that the moneys in 80% of the above bank accounts have been further transferred to another 100 accounts. A requisition has been made by the forensic auditors for

bank statements for all the above accounts. Mr. Pinaki Misra, learned senior counsel appearing with Mr. Abhimanyu Bhandari, states that the bank statements of all accounts shall be made available to the forensic auditors within a period of two weeks from today;

(iii) As regards forensic imaging of the electronic records of Directors and former officers, it has been stated that the work has been initiated and steps are being taken to contact the erstwhile CFOs of the company to retrieve all the electronic records.

We direct that the statements which have been made on behalf of the UNITECH be positively complied with within the time schedule, as indicated above. With reference to (iii) above, erstwhile CFOs shall cooperate with the auditors and make over all the data required. Any breach will be seriously viewed.

The learned *amicus curiae* has stated, in his status report, that M/s. Grant Thornton have submitted their invoice for professional fees due and payable on account of the work for valuation in connection with the Term Sheet Agreement which was entered into between UNITECH and Sterling & Wilson Pvt. Ltd. The amount is directed to be released to M/s Grant Thornton towards their professional fees of Rs 20,54,675 (inclusive of GST). This amount shall be released from the interest accrued on the FDs with the Registry of this Court. The *amicus curiae* is requested to follow up on this so that payments

are made to Grant Thornton.

FD Holders

We have perused the status report of the *amicus curiae*.

At this stage, we consider it appropriate if the learned *amicus curiae* furnishes further information to the Court in regard to the details of the FD holders with reference to (i) age; (ii) amounts or value of the fixed deposits.

Ex-employees

Mr. Pinaki Misra, learned senior counsel states that in compliance with the previous order dated 15 February 2019, all relevant data pertaining to the employees of the company as on 1 January 2014 shall be filed by tomorrow. We request the *amicus curiae* to file a comprehensive report in regard to the ex-employees after due consultation with the learned counsel appearing on behalf of the employees in these proceedings.

Cr1.M.P. No.34209 of 2019 in SLP(Cr1.) Nos.5978-79/2017

Application for impleadment of the Central Board of Trustees, Employees Provident Fund Organization is allowed.

Cr1.M.P. No.34210 of 2019 in SLP(Cr1.) Nos.5978-79/2017

Mr. Pinaki Misra, learned senior counsel has prayed for a week's time for instructions and, if necessary, to file a response to the application for directions.

In pursuance of the order dated 20 February 2019 in Civil Appeal No.11108 of 2016, an amount of Rs 50 lakhs has been deposited in the Registry. The amount be kept in a fixed deposit in a nationalized bank initially for a period of three months which may be renewed from time to time.

The office report dated 6 March 2019 indicates that an amount of Rs 2 crores has been deposited by Mr. Pawanshree Agrawal. The amount be kept in a fixed deposit in a nationalized bank initially for a period of three months which may be renewed from time to time.

List on 4 April 2019 at 3.00 p.m.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER