

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. . & ORS.

Respondent(s)

[IA No.23393/2018-impleading party and IA No.23396/2018-
CLARIFICATION/DIRECTION]

WITH

[ITEM NO.9.1 - C.A. No.10856/2016 (XVII)];
[ITEM NO.9.2 - C.A. No.2511-2526/2017 (XVII)
IA No.66938/2017 - EXTENSION OF TIME and
IA No.90673/2017-EXTENSION OF TIME];
[ITEM NO.9.3 - C.A. No.5174-5181/2017 (XVII)];
[ITEM NO.9.4 - C.A. No.9391-9404/2017 (XVII)
FOR impleading party ON IA 98431/2017
FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017];
[ITEM NO.9.5 - C.A. No.15493/2017 (XVII)
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];
[ITEM NO.9.6 - SLP(Cr1) No. 5978-5979/2017 (II-C)
IA No.73474/2017 - Application for exemption from filing Certified
as well as ordinary plain copy of the impugned order;
IA No.4543/2018 - Application for substitution;
IA No.4540/2018 - Application for substitution;
IA No.123121/2017 - Appropriate orders/directions;
IA No.32223/2018 - Appropriate orders/directions;
IA 87314/2017 - Appropriate orders/Directions;
IA 22112/2018 - Appropriate orders/Directions;
IA 139538/2017 - Appropriate orders/Directions;
IA 20867/2018 - Appropriate orders/Directions;
IA 46262/2018 - Appropriate orders/Directions;
IA 72036/2018 - Clarification/Direction;
IA 72196/2018 - Clarification/Direction;
IA 137532/2017 - Clarification/Direction;
IA 72035/2018 - Clarification/Direction;
IA 97616/2018 - Clarification/Direction;
IA 72149/2018 - Clarification/Direction;
IA 96561/2018 - Clarification/Direction;
IA 115336/2017 - Clarification/Direction;
IA 137527/2017 - Clarification/Direction;
IA 29029/2018 - Clarification/Direction;
IA 45689/2018 - Clarification/Direction;
IA 63414/2018 - Clarification/Direction;

IA 71484/2018 - Clarification/Direction;
IA 72489/2018 - Clarification/Direction;
IA 88565/2018 - Clarification/Direction;
IA 368/2018 - Clarification/Direction;
IA 43789/2018 - Clarification/Direction;
IA 60021/2018 - Clarification/Direction;
IA 94632/2018 - Clarification/Direction;
IA 86305/2017 - Clarification/Direction;
IA 98455/2018 - Clarification/Direction;
IA 121642/2017 - Clarification/Direction;
IA 137522/2017 - Clarification/Direction;
IA 137547/2017 - Clarification/Direction;
IA 26582/2018 - Clarification/Direction;
IA 51299/2018 - Clarification/Direction;
IA 67003/2018 - Clarification/Direction;
IA 72212/2018 - Clarification/Direction;
IA 81402/2018 - Clarification/Direction;
IA 98452/2018 - Clarification/Direction;
IA 13047/2018 - Clarification/Direction;
IA 23580/2018 - Clarification/Direction;
IA 23876/2018 - Clarification/Direction;
IA 41514/2018 - Clarification/Direction;
IA 51294/2018 - Clarification/Direction;
IA 62930/2018 - Clarification/Direction;
IA 71472/2018 - Clarification/Direction;
IA 85479/2018 - Clarification/Direction;
IA 91001/2017 - Clarification/Direction;
IA 123132/2017 - Clarification/Direction;
IA 135534/2017 - Clarification/Direction;
IA 137540/2017 - Clarification/Direction;
IA 38156/2018 - Clarification/Direction;
IA 71464/2018 - Clarification/Direction;
IA 72200/2018 - Clarification/Direction;
IA 91131/2018 - Clarification/Direction;
IA 110495/2017 - Clarification/Direction;
IA 62412/2018 - Clarification/Direction;
IA 79963/2018 - Intervention Application;
IA 85350/2018 - Intervention Application;
IA 91130/2018 - Intervention Application;
IA 97630/2018 - Intervention Application;
IA 90004/2017 - Intervention Application;
IA 90575/2017 - Intervention Application;
IA 90881/2017 - Intervention Application;
IA 91667/2017 - Intervention Application;
IA 91918/2017 - Intervention Application;
IA 95331/2017 - Intervention Application;
IA 99968/2017 - Intervention Application;
IA 105185/2017 - Intervention Application;
IA 105646/2017 - Intervention Application;

IA 106080/2017 - Intervention Application;
IA 107233/2017 - Intervention Application;
IA 109671/2017 - Intervention Application;
IA 110486/2017 - Intervention Application;
IA 118696/2017 - Intervention Application;
IA 814/2018 - Intervention Application;
IA 11441/2018 - Intervention Application;
IA 18089/2018 - Intervention Application;
IA 46040/2018 - Intervention Application;
IA 62163/2018 - Intervention Application;
IA 74800/2018 - Intervention Application;
IA 85237/2018 - Intervention Application;
IA 89941/2017 - Intervention Application;
IA 90400/2017 - Intervention Application;
IA 90823/2017 - Intervention Application;
IA 91658/2017 - Intervention Application;
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IA 94872/2017 - Intervention Application;
IA 104384/2017 - Intervention Application;
IA 105632/2017 - Intervention Application;
IA 106077/2017 - Intervention Application;
IA 109169/2017 - Intervention Application;
IA 110480/2017 - Intervention Application;
IA 115553/2017 - Intervention Application;
IA 129768/2017 - Intervention Application;
IA 137531/2017 - Intervention Application;
IA 138367/2017 - Intervention Application;
IA 139860/2017 - Intervention Application;
IA 657/2018 - Intervention Application;
IA 9367/2018 - Intervention Application;
IA 15342/2018 - Intervention Application;
IA 22801/2018 - Intervention Application;
IA 32222/2018 - Intervention Application;
IA 46033/2018 - Intervention Application;
IA 54138/2018 - Intervention Application;
IA 62159/2018 - Intervention Application;
IA 64401/2018 - Intervention Application;
IA 71246/2018 - Intervention Application;
IA 90395/2017 - Intervention Application;
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IA 91653/2017 - Intervention Application;
IA 91751/2017 - Intervention Application;
IA 93209/2017 - Intervention Application;
IA 98587/2017 - Intervention Application;
IA 103799/2017 - Intervention Application;
IA 105616/2017 - Intervention Application;
IA 106074/2017 - Intervention Application;
IA 110474/2017 - Intervention Application;
IA 129762/2017 - Intervention Application;

IA 138358/2017 - Intervention Application;
IA 139640/2017 - Intervention Application;
IA 373/2018 - Intervention Application;
IA 7259/2018 - Intervention Application;
IA 15024/2018 - Intervention Application;
IA 51490/2018 - Intervention Application;
IA 60257/2018 - Intervention Application;
IA 70148/2018 - Intervention Application;
IA 72146/2018 - Intervention Application;
IA 82813/2018 - Intervention Application;
IA 95227/2018 - Intervention Application;
IA 90023/2017 - Intervention Application;
IA 90747/2017 - Intervention Application;
IA 91502/2017 - Intervention Application;
IA 91743/2017 - Intervention Application;
IA 92123/2017 - Intervention Application;
IA 98390/2017 - Intervention Application;
IA 103791/2017 - Intervention Application;
IA 105601/2017 - Intervention Application;
IA 106067/2017 - Intervention Application;
IA 106473/2017 - Intervention Application;
IA 110469/2017 - Intervention Application;
IA 112302/2017 - Intervention Application;
IA 128737/2017 - Intervention Application;
IA 137526/2017 - Intervention Application;
IA 138307/2017 - Intervention Application;
IA 139563/2017 - Intervention Application;
IA 13745/2018 - Intervention Application;
IA 21057/2018 - Intervention Application;
IA 28595/2018 - Intervention Application;
IA 49644/2018 - Intervention Application;
IA 51346/2018 - Intervention Application;
IA 63411/2018 - Intervention Application;
IA 67279/2018 - Intervention Application;
IA 90019/2017 - Intervention Application;
IA 90743/2017 - Intervention Application;
IA 91242/2017 - Intervention Application;
IA 91737/2017 - Intervention Application;
IA 91988/2017 - Intervention Application;
IA 98385/2017 - Intervention Application;
IA 103667/2017 - Intervention Application;
IA 105588/2017 - Intervention Application;
IA 106004/2017 - Intervention Application;
IA 106467/2017 - Intervention Application;
IA 108587/2017 - Intervention Application;
IA 110460/2017 - Intervention Application;
IA 112299/2017 - Intervention Application;
IA 128733/2017 - Intervention Application;
IA 141461/2017 - Intervention Application;

IA 13348/2018 - Intervention Application;
IA 43090/2018 - Intervention Application;
IA 60016/2018 - Intervention Application;
IA 63037/2018 - Intervention Application;
IA 72114/2018 - Intervention Application;
IA 94629/2018 - Intervention Application;
IA 90014/2017 - Intervention Application;
IA 91041/2017 - Intervention Application;
IA 91730/2017 - Intervention Application;
IA 91960/2017 - Intervention Application;
IA 95378/2017 - Intervention Application;
IA 101728/2017 - Intervention Application;
IA 105675/2017 - Intervention Application;
IA 106462/2017 - Intervention Application;
IA 107464/2017 - Intervention Application;
IA 110327/2017 - Intervention Application;
IA 112057/2017 - Intervention Application;
IA 121640/2017 - Intervention Application;
IA 128729/2017 - Intervention Application;
IA 137520/2017 - Intervention Application;
IA 137544/2017 - Intervention Application;
IA 139531/2017 - Intervention Application;
IA 141261/2017 - Intervention Application;
IA 18103/2018 - Intervention Application;
IA 48917/2018 - Intervention Application;
IA 67001/2018 - Intervention Application;
IA 72211/2018 - Intervention Application;
IA 80246/2018 - Intervention Application;
IA 98447/2018 - Intervention Application;
IA 90011/2017 - Intervention Application;
IA 91934/2017 - Intervention Application;
IA 95374/2017 - Intervention Application;
IA 101725/2017 - Intervention Application;
IA 105291/2017 - Intervention Application;
IA 105668/2017 - Intervention Application;
IA 106316/2017 - Intervention Application;
IA 107245/2017 - Intervention Application;
IA 110321/2017 - Intervention Application;
IA 110529/2017 - Intervention Application;
IA 118820/2017 - Intervention Application;
IA 138388/2017 - Intervention Application;
IA 141166/2017 - Intervention Application;
IA 4267/2018 - Intervention Application;
IA 18095/2018 - Intervention Application;
IA 23533/2018 - Intervention Application;
IA 51293/2018 - Intervention Application;
IA 57412/2018 - Intervention Application;
IA 62925/2018 - Intervention Application;
IA 72065/2018 - Intervention Application;

IA 80237/2018 - Intervention Application;
IA 85478/2018 - Intervention Application
IA 98444/2018 - Intervention Application;
IA 90008/2017 - Intervention Application;
IA 90581/2017 - Intervention Application;
IA 90999/2017 - Intervention Application;
IA 91672/2017 - Intervention Application;
IA 91929/2017 - Intervention Application;
IA 95334/2017 - Intervention Application;
IA 100788/2017 - Intervention Application;
IA 105189/2017 - Intervention Application;
IA 105657/2017 - Intervention Application;
IA 106313/2017 - Intervention Application;
IA 107239/2017 - Intervention Application;
IA 109954/2017 - Intervention Application;
IA 118816/2017 - Intervention Application;
IA 137538/2017 - Intervention Application;
IA 138372/2017 - Intervention Application;
IA 140009/2017 - Intervention Application;
IA 18092/2018 - Intervention Application;
IA 23380/2018 - Intervention Application;
IA 51259/2018 - Intervention Application;
IA 71446/2018 - Intervention Application;
IA 133342/2017 - Intervention/Impleadment;
IA 139971/2017 - Intervention/Impleadment;
IA 23754/2018 - Intervention/Impleadment;
IA 51232/2018 - Intervention/Impleadment;
IA 55573/2018 - Intervention/Impleadment;
IA 66087/2018 - Intervention/Impleadment;
IA 71438/2018 - Intervention Application;
IA 72189/2018 - Intervention Application;
IA 90877/2018 - Intervention Application;
IA 98660/2017 - Intervention/Impleadment;
IA 123118/2017 - Intervention/Impleadment;
IA 23751/2018 - Intervention/Impleadment;
IA 51226/2018 - Intervention/Impleadment;
IA 107191/2017 - Intervention/Impleadment;
IA 122885/2017 - Intervention/Impleadment;
IA 23739/2018 - Intervention/Impleadment;
IA 51222/2018 - Intervention/Impleadment;
IA 87309/2017 - Intervention/Impleadment;
IA 122293/2017 - Intervention/Impleadment;
IA 23736/2018 - Intervention/Impleadment;
IA 23734/2018 - Intervention/Impleadment;
IA 49450/2018 - Intervention/Impleadment;
IA 90697/2017 - Intervention/Impleadment;
IA 105437/2017 - Intervention/Impleadment;
IA 59884/2018 - Intervention/Impleadment;
IA 91143/2018 - Intervention Application;

- IA 90659/2017 - Intervention/Impleadment;
- IA 91692/2017 - Intervention/Impleadment;
- IA 23875/2018 - Intervention/Impleadment;
- IA 66759/2018 - Intervention/Impleadment;
- IA 123125/2017 - Intervention/Impleadment;
- IA 135533/2017 - Intervention/Impleadment;
- IA 3435/2018 - Intervention/Impleadment;
- IA 12896/2018 - Intervention/Impleadment;
- IA 32565/2018 - Intervention/Impleadment;
- IA 46255/2018 - Intervention/Impleadment;
- IA 55575/2018 - Intervention/Impleadment;
- IA 66094/2018 - Intervention/Impleadment;
- IA 23251/2018 - Permission to appear and argue in person;
- IA 108851/2017 - Permission to appear and argue in person;
- IA 108822/2017 - Permission to appear and argue in person;
- IA 138368/2017 - Permission to file application for direction;
- IA 107196/2017 - Permission to file application for direction;
- IA 71828/2018 - Permission to file application for direction;
- IA 73472/2017 - Permission to file SLP without certified / plain copy of impugned order;
- IA 23839/2018 - Permission to place on record subsequent facts;
- IA 4504/2018 - Permission to place on record subsequent facts;
- IA 72068/2018 - Recalling the Court's Order; and
- IA 13046/2018 - Seeking custody certificate.

[ITEM NO.9.7 - C.A. No. 11008/2017 (XVII)
(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)];

[ITEM NO.9.8 - 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)];

[ITEM NO.9.9 - C.A. No. 16858/2017 (XVII)
(FOR ADMISSION and 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)]

[ITEM NO.9.10 - C.A. No. 20003/2017 (XVII)
(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 REFILEING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)];

[ITEM NO.9.11 - SLP(C) No. 30997/2017 (XVII)
(FOR ADMISSION and I.R.)];

[ITEM NO.9.12 - C.A. No. 3727/2018 (XVII)
(FOR ADMISSION and I.R. and IA No.41950/2018-CONDONATION OF DELAY
IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)];
[ITEM NO.9.13 - C.A. No. 6837-6838/2018 (XVII)];
[ITEM NO.9.14 - SLP(C) No. 12667/2018 (XVII)
(FOR ADMISSION and I.R.)]; and
[ITEM NO.9.15 - Diary No.20540/2018
I.A.No.104959/2018 - Exemption from filing C/C of the impugned
Judgment and
I.A.No.104957/2018 - Condonation of delay in filing appeal;
I.A.No.104958/2018 - Condonation of delay in re-filing appeal].

Date : 28-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Pawan Shree Agarwal, Adv. [A.C.]
Mr. Varun K. Chopra, Adv.
Ms. Abhipsa Anamika, Adv.

For Petitioners(s) Mr. Gaurav Bhatia, Adv.
Appellant(s) Mr. Mahesh Agarwal, Adv.
Mr. Abhumanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
for
Mr. E.C. Agrawala, Adv. [AOR]

In person

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himansu Shekhar, Adv. [AOR]

Mr. Awanish Kumar, Adv. [AOR]
Mr. S.K. Pandey, Adv.
Mr. Chandrashekhar A.C., Adv.
Mr. Anshul Rai, Adv.

Mr. A.S. Anand, Adv.
Mr. Mayank Goel, Adv. [AOR]

Mr. Deepak Goel, Adv. [AOR]

Mr. Rahul Shyam Bhandari, Adv. [AOR]

Ms. Divya Roy, Adv. [AOR]

Ms. Priyanjali Singh, Adv. [AOR]

Mr. Rahul Rathore, Adv.

Mr. Karunesh Kumar Shukla, Adv.

Mr. Ajay Kumar Talesara, Adv. [AOR]

Mrs. Rachana Joshi Issar, Adv. [AOR]

Ms. Vandana Mishra, Adv.

Mr. K. Vaijyanthi, Adv.

Mr. Shailabh Pandey, Adv.

Mr. Dhawesh Pahuja, Adv.

Mr. Dheevesh Dwivedi, Adv.

Mr. Navoday Singh Raj Purohit, Adv.

Ms. Charu Ambwani, Adv.

Mr. Awasthi M.K., Adv. [AOR]

Dr. Harish Uppal, Adv.

Mr. Tishwar Prasad, Adv.

Mr. Vikas Mehta, Adv. [AOR]

Mr. Vasanth Bharani, Adv.

For Respondent(s)/
Applicant (s)

Mr. C.A. Sundaram, Sr. Adv.

Mr. Nikhil nayyar, Adv. [AOR]

Ms. Pritha Sri Kumar Iyer, Adv.

Mr. N. Sai Vinod, Adv.

Mr. Dhananjay Baijal, Adv.

Ms. Smriti Shah, Adv.

Mr. Divyanshu Rai, Adv.

Ms. Vasudha Sharma, Adv.

Mr. Gaurav Bhatia, Adv.

Mr. Abhumanyu Bhandari, Adv.

Mr. Abhinav Agrawal, Adv.

Mr. Rajiv Kumar Virmani, Adv.

Mr. Gaurav Jain, Adv.

Mr. Atul Malhotra, Adv.

Mr. Anuroop Chakravarti, Adv.

for

Mr. E.C. Agrawala, Adv. [AOR]

Mr. Syed Jafar Alam, Adv. [AOR]

Mr. Jay Kishor Singh, Adv. [AOR]

Ms. Hima Lawrence, Adv. [AOR]

Mr. S. Hariharan, Adv.
Ms. Jaikriti S. Jadeja, Adv. [AOR]

Mr. Pradeep K. Bakshi, Adv. [AOR]
Ms. Sanya Talwar, Adv.

Mr. Jatin Zaveri, Adv.
Mr. Neel kamal Mishra, Adv.

Ms. Isha Aggarwal, Adv.
Mr. Akhil Sharma, Adv.
Mr. Sachin Jain, Adv.
Mr. Rajiv Ranjan Dwivedi, Adv. [AOR]

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, Adv. [AOR]
Ms. Aastha Chopra, Adv.
Mr. Parnay Jain, Adv.
Mr. Brijesh Yadav, Adv.

Ms. Ishan Sanghi, Adv.
Mr. Anil Kumar Tandale, Adv. [AOR]

Mr. Ravindra Bana, Adv.

Mr. Rabindra Tiwary, Adv.
Mr. Arvind Gupta, Adv. [AOR]

Ms. Meenakshi Arora, Sr. Adv.
Mr. Shashi Bhushan P. Adgaonkar, Adv. [AOR]

Mr. Rakesh Mishra, Adv. [AOR]
Mr. Aabhas Parimal, Adv.
Mr. Somanath Padhan, Adv.

Mr. Dhruv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, Adv. [AOR]
Mr. Shrey Kapoor, Adv.

Ms. Snidha Mehra, Adv.
Mr. Rupesh Kumar, Adv.
Mrs. Praveena Gautam, Adv.
Mr. Shreyash Bhardwaj, Adv.
Ms. Tanisha Samanta, Adv.
for
Mrs. Anil Katiyar, Adv. [AOR]

Mr. Tara V. Ganju, Adv. [AOR]
Mr. Ayush Samaddar, Adv.

Mr. Shri Vandit Misra, Adv.
Ms. Anuradha Dubey Mishra, Adv.
Ms. Janhavi Sharma, Adv.
for
/s. Anuradha & Associates, Advs. [AOR]

Mr. T. Mahipal, Adv. [AOR]
Mr. Ashutosh Dubey, Adv.

Mr. Ranjit Kumar Sharma, Adv. [AOR]

Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balaramdas, Adv./
Mr. Arvind Kr. Sharma, Adv. [AOR]

Mr. Sriram Parakkat, Adv. [AOR]
Mr. B. Reghunath, Adv.
Mr. Sarath S. Janardanan, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Siddhant Kohli, Adv.
Mr. Balaji Srinivasan, Adv. [AOR]
Ms. Lakshmi Rao, Adv.
Mr. Garima Jain, Adv.
Ms. Pallavi Sengupta, Adv.

Ms. Filza Moonis, Adv. [AOR]

Mr. T.N. Singh, Adv. [AOR]
Mr. Vikas K. Singh, Adv.
Mr. Rajshree Singh, Adv.

Mr. Abhilasha Singh, Adv.
Mr. M.R. Shamsad, Adv. [AOR]

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dasti Dar, Adv.
for
M/s. Cyril Amarchand Mangaldas, Advs. [AOR]

Mr. Aneesh Mittal, Adv. [AOR]
Ms. Shreya Sharma, Adv.

Mr. Amit Kumar, Adv. [AOR]

Ms. Mridula Ray Bharadwaj, Adv.

Mr. P. Sriram, Adv. [AOR]

Mr. Umang Shankar, Adv.

Mr. Jalaj Agarwal, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv. [AOR]

Dr. Aman Hingorani, Adv.

Ms. Priya Hingorani, Adv.

for

M/s. Hingorani & Associates, Adv. [AOR]

Mr. U.A. Rana, Adv.

Mr. Himanshu Mehta, Adv.

for

M/s. Gagrat & Co., Adv. [AOR]

Mr. Shish Pal Laler, Adv.

Mr. Johri Mal, Adv.

Mr. Sonit Sinhmar, Adv.

for

Mr. Devesh Kumar Tripathi, Adv. [AOR]

Mr. Kaushik Choudhury, Adv.

Mr. Parveen Agarwal, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. Sanjay Jain, Adv. [AOR]

Mr. Chandan Kumar, Adv. [AOR]

Mr. Rituraj Biswas, Adv.

Mr. Rituraj Choudhary, Adv.

Mr. Rahul Kaushik, Adv. [AOR]

Mr. Praveen Agrawal, Adv. [AOR]

Mr. Faheem Shah, Adv.

Mr. Apurv, Adv.

Ms. Liz Mathew, Adv. [AOR]

Mr. S.S. Ray, Adv.

Mr. Amitabh Chaturbedi, Adv.

Ms. Rakhi Ray, Adv. [AOR]

Mr. Avinash Sharma, Adv. [AOR]

Ms. Kirti Renu Mishra, Adv. [AOR]

Ms. Apurva Upmanyu, Adv.

Ms. Shilpa Chohan, Adv.

Mr. Jitender Chaudhary, Adv.

Mr. Rajesh Singh, Adv.

Mr. Om Prakash Parihar, Adv. [AOR]

Ms. Vibha Mahajan, Adv.
Ms. Upasana Nath, Adv.

Mr. Narender Prasad Yadav, Adv.
Mr. Yadav Narender Singh, Adv. [AOR]

Ms. Vanshaja Shukla, Adv. [AOR]
Mr. Parmanand Yadav, Adv.

Mr. Neeraj Kumar, Adv.

Ms. Rashmi Bansal, Adv.

Ms. Shobha, Adv.

Ms. Shobha Gupta, Adv. [AOR]
Mr. Saurabh Roy, Adv.
Mr. Pritesh Kumar, Adv.

Mr. Rohit Sharma, Adv.
Mr. Avinash Tripathi, Adv.
Mr. M.P. Devanath, Adv. [AOR]

Mr. A.K. Jain, Adv.
Mr. Pankaj Jain, Adv.
Ms. Priyanka Das, Adv.
Mr. Bijoy Kumar Jain, Adv. [AOR]

Mr. Sandeep Bajaj, Adv.
Mr. S. Qureshi, Adv.
Ms. Nidhi Mohan Parasher, Adv. [AOR]
Ms. Kritika Sachdeva, Adv.
Ms. Shivangi Dham, Adv.

Mr. Ashwani Garg, Adv.
Mr. Vijay Kumar, Adv. AOR]

Ms. Vandana Surana, Adv.
Mr. Sunder Khatri, Adv.
Ms. Shital Khatri, Adv.
Ms. Priya Kashyap, Adv.
Mr. Rajesh Goyal, Adv. [AOR]

Mr. Arun Adlakha, Adv.
Mr. Umesh Babu Chaurasia, Adv.
Ms. Manjula Chaurasia, Adv.

Mr. Preeti Singh, Adv. [AOR]
Ms. Manorma Masih, Adv.
Mr. Sunkalan Porwal, Adv.
Dr. Swati Jindal, Adv.

Mr. Prateek Gupta, Adv.
Ms. Sudha Gupta, Adv. [AOR]

Ms. Rashmi nanda Kumar, Adv. [AOR]

Mr. Amit Singh, Adv.
Mr. Abhishek Chaudhary, Adv. [AOR]
Mr. Sarva Anand Dubey, Adv.
Ms. Sujata Upadhyay, Adv.
Mr. Vikas Chaudhary, Adv.
Ms. Maithili Shughangi, Adv.
Mr. Abhinav Singh, Adv.

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

List after a week.

The amount lying with the Registry as indicated in the
Office Report be kept in a short term fixed deposit.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar