

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s).
5978-5979/2017

(Arising out of impugned final judgment and order dated 11-08-2017 in BA Nos.1573/2017 and 1574/2017 passed by the High Court Of Delhi At New Delhi)

SANJAY CHANDRA & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(M/s KSN Co. has filed vakalatnama/appearance on behalf of Om Shakthy Agencies (Madras) Pvt. Ltd.)

WITH

IA 73474/2017 – Application for exemption from filing certified as well as ordinary plain copy of the impugned order;
IA 4543/2018 – Application for substitution;
IA 4540/2018 – Application for substitution;
IA 123121/2017 – Appropriate orders/Directions;
IA 32223/2018 – Appropriate orders/Directions;
IA 22112/2018 – Appropriate orders/Directions;
IA 87314/2017 – Appropriate orders/Directions;
IA 139538/2017 – Appropriate orders/Directions;
IA 20867/2018 – Appropriate orders/Directions;
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 110495/2017 – Clarification/Direction;
IA 137532/2017 – Clarification/Direction;
IA 115336/2017 – Clarification/Direction;
IA 137527/2017 – Clarification/Direction;
IA 29029/2018 – Clarification/Direction;
IA 368/2018 – Clarification/Direction;
IA 43789/2018 – Clarification/Direction;
IA 121642/2017 – Clarification/Direction;
IA 137522/2017 – Clarification/Direction;
IA 137547/2017 – Clarification/Direction;

IA 26582/2018 - Clarification/Direction;
IA 86305/2017 - Clarification/Direction;
IA 13047/2018 - Clarification/Direction;
IA 23580/2018 - Clarification/Direction;
IA 23876/2018 - Clarification/Direction;
IA 41514/2018 - Clarification/Direction;
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 90011/2017 - Intervention Application;
IA 90999/2017 - 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 90008/2017 - Intervention Application;
IA 90581/2017 - 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 18089/2017 - Intervention Application;
IA 90004/2017 - Intervention Application;
IA 90575/2017 - Intervention Application;
IA 90823/2017 - Intervention Application;
IA 91658/2017 - Intervention Application;
IA 91915/2017 - Intervention Application;
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 89941/2017 - Intervention Application;
IA 90400/2017 - Intervention Application;
IA 90799/2017 - Intervention Application;
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 90395/2017 - 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 90023/2017 - 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 90019/2017 - Intervention Application;
IA 90743/2017 - 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 90014/2017 - Intervention Application;
IA 91692/2017 - Intervention/Impleadment;
IA 23875/2018 - Intervention/Impleadment;
IA 90659/2017 - Intervention/Impleadment;
IA 123125/2017 - Intervention/Impleadment;
IA 135533/2017 - Intervention/Impleadment;
IA 3435/2018 - Intervention/Impleadment;
IA 12896/2018 - Intervention/Impleadment;
IA 32565/2017 - Intervention/Impleadment;
IA 133342/2017 - Intervention/Impleadment;
IA 139971/2017 - Intervention/Impleadment;
IA 23754/2018 - Intervention/Impleadment;
IA 98660/2017 - Intervention/Impleadment;
IA 123118/2017 - Intervention/Impleadment;
IA 23751/2018 - Intervention/Impleadment;
IA 107191/2017 - Intervention/Impleadment;
IA 122885/2017 - Intervention/Impleadment;
IA 23739/2018 - Intervention/Impleadment;
IA 122293/2017 - Intervention/Impleadment;
IA 23736/2018 - Intervention/Impleadment;
IA 87309/2017 - Intervention/Impleadment;
IA 23734/2018 - Intervention/Impleadment;
IA 105437/2017 - Intervention/Impleadment;
IA 90697/2017 - 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 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; and
IA 13046/2018 – Seeking custody certificate.

Date : 09-04-2018 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.
Mr. Yashovardhan Oza, Adv.

For Petitioners(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Pallav Shishodhia, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Mr. Gaurav Jain, Adv.
for
Mr. E.C. Agrawala, 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. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balaramdas, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Ms. Apoorva Garg, Adv.
Mr. Vikas Mehta, Adv. [AOR]
Mr. B. Mithun Shashank, Adv.
Ms. Rima Khare, Adv.

Mr. Mahabir Singh, Sr. Adv.
Mr. Vikas Deep Jain, Adv.
Ms. Nidhi Jain, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

Mr. Balaji Srinivasan, Adv. [AOR]
Ms. Vaishnavi Subrahmanyam, Adv.
Ms. Pratiksha Mishra, Adv.
Mrs. Lakshmi Rao, Adv.
Mr. Abhishek Bhati, Adv.

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Ms. Ishita Bist, ,Adv.

Mr. Roopansh Purohit, Adv. [AOR]

Mr. T.N. Singh, Adv. [AOR]

Mr. Sureshan P., Adv. [AOR]

Ms. Mridula Ray Bharadwaj, Adv.

Mr. B. Ragunath, Adv.
Mr. N.C. Kavitha, Adv.
Mr. P. Sriram, Adv. [AOR]

Ms. Rashmi Nandakumar, Adv. [AOR]

Mr. P. Chetan, Adv.
Mr. Amit Pat, Adv.
Ms. Sujata Kurdukar, Adv. [AOR]
Mr. Chandan Kumar Mandal, Adv.

Mr. Inderjeet Yadav, Adv.
Mr. Sarabjeet Dutta, Adv.
Ms. Pooja Shrivastava, Adv.
Mr. Akshat Shrivatava, Adv. [AOR]

Mr. Dinesh Kumar Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Deepak Mishra, Adv.

Mr. Satyendra Kumar, Adv.

Mr. Gaurav Goel, Adv.

Mr. Umang Shankar, Adv.

Mr. Jalaj Agarwal, Adv.

Mr. Mohit Kumar Singh, Adv.

Mr. Sanjay Parikh, Adv.

Mr. Ritwick Parikh, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv. [AOR]

Ms. Rahat Sharma, Adv.

Ms. Aishwarya Bhati, Adv. [AOR]

Mr. Puspraj Singh Parihar, Adv.

Dr. Aman Hingorani, Adv.

Ms. Priya Hingorani, Adv.

for

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

Mr. Sachin jain, Adv.

for

Dr. Kailash Chand, Adv. [AOR]

Mr. S.S. Ray, Adv.

Mr. Amitabh Chauterbadi, Adv.

Ms. Rakhi Ray, Adv.

Mr. Kaushik Choudhury, Adv.

Mr. Deepanshu Jain, Adv.

Mr. S. Jain, Adv.

Mr. Gopal Sankaranarayanan, Adv.

Mr. Awanish Kumar, Adv.

Mr. Chandrashekhar, Adv.

Mr. A. Rai, Adv.

Mr. S.K. Pandey, Adv.

Mr. Ruchit D., Adv.

Mr. Nalin Kohli, Adv.

Ms. Nimisha Menon, Adv.

Mr. Kaushtub Anshuraj, Adv. [AOR]

Mr. Ishan Sanghi, Adv.

Ms. Sanya Talwar, Adv.

Ms. Medhya Ahluwalia, Adv.
Mr. Shantanu Sagar, Adv. [AOR]
Mr. S. Rajappa, Adv. [AOR]
Mr. Rajesh Kumar, Adv. [AOR]
Mr. Rajeev Singh, Adv. [AOR]
Mr. Rahul Kaushik, Adv. [AOR]
Mr. R.C. Kaushik, Adv. [AOR]
Mr. Praveen Agrawal, Adv. [AOR]
Mr. P.K. Jain, Adv. [AOR]
Mr. Nikhil Swami, Adv. [AOR]
Ms. Liz Mathew, Adv. [AOR]
M/s. KMNP Law, Adv. [AOR]
Mr. kaushik Poddar, Adv. [AOR]
Ms. Kamakshi S. Mehlwal, Adv. [AOR]
Mr. K.K. Mohan, Adv. [AOR]
Mr. Gyan Prakash Srivastava, Adv. [AOR]
Mr. Gopal Jha, Adv. [AOR]
Mr. N.K. Sharma, Adv.
Mr. Shiv Ram Pandey, Adv.
Mr. Chandan Kr. Mandal, Adv.
Mr. Gaurav Sharma, Adv. [AOR]
Ms. Garima Prashad, Adv. [AOR]
Mr. Divyesh Pratap Singh, Adv. [AOR]
Mr. D. Abhinav Rao, Adv. [AOR]
Mr. Avinash Sharma, Adv. [AOR]
Mr. Aswathi M.K., Adv. [AOR]

Applicant-in-person

Mr. Amit Sharma, Adv. [AOR]
Mr. Akshat Shrivastava, Adv. [AOR]
Mr. Abhinav Shrivastav, Adv. [AOR]
Mr. Abhay Kumar, Adv. [AOR]
Ms. Kirti Renu Mishra, Adv. [AOR]
Ms. Apurva Upmanyu, Adv.
Mr. Pahlad Singh Sharma, Adv. [AOR]
Mr. Anil Kumar Tandale, Adv. [AOR]
Mr. Himanshu Shekhar, Adv. [AOR]
Mr. Tara V. Ganju, Adv.
Mr. Rahul Jaryal, Adv.
Ms. Vibha Mahajan, Adv.
Ms. Upasana Nath, Adv.
Mr. Narendra Prasad, Adv.
Mr. Krishna Kumar Singh, Adv.
Mr. Vijay Sharma, Adv.
Mr. Aditya Sinha, Adv.
Mr. Krishna Yadav, Adv.
Mr. Anil Pink, Adv.
Mr. Narendra Singh Yadav, Adv.
Mr. Narender Prasad Yadav, Adv.
Mr. Yadav Narender Singh, Adv. [AOR]
Mr. Sangam Lal Pandey, Adv.
Mr. Neeraj Kumar, Adv.
Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
for
M/s. Cyril Amarchand Mangaldas, Advs.

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Ms. Vanshaja Shukla, Adv.
Mr. Paramanand Yadav, Adv.

Mr. Himanshu Dhawan, Adv.
Mr. Vineet Bhagat, Adv.
Ms. Sonal Jain, Adv.
Mr. Satya Priya Kamrah, Adv.

Mr. Subhasish Bhowmick, Adv.
Mr. Anijunam Bilwal, Adv.

Ms. Shobha, Adv.

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

Mr. Ramachandran, Director and Chairman, M/s. Omshakthy Agencies (Madras) Private Limited, submitted that he has not deposited Rs.90 crores, the amount which was required to be deposited by 31st March 2018 as per order dated 16.02.2018 passed by this Court.

In view of the aforesaid, the two MOUs dated 29.11.2017 entered into between Mr. Ramachandran and the petitioner no.3-company stand cancelled.

As Mr. Ramachandran has wasted the time of this court and diverted the proceedings to some extent, we impose cost of Rs.75,00,000/- (Rupees seventy five lac) to be deposited before the Registry of this Court on or before 16th April 2018. Be it noted, if the said amount is not deposited, coercive steps shall be taken against Mr. Ramachandran.

Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners would submit that the company, namely, Unitech Power Transmission Ltd. is being bought over by Sterling Wilson, a Shapoorji Pallonji Group Company for an approximate sum of Rs.110 crores. Mr. Ranjit Kumar would

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further submit that the said company does not intend to be involved in the litigation but it has no objection to deposit the consideration amount before the Registry of this Court in this case so that it is assured of the transfer of the shares of the holding company upon completion of the formalities.

In view of the aforesaid, let the said company – Sterling Wilson (a Shapoorji Pallonji Group Company) deposit the total consideration amount on or before 11th May 2018 before the Registry of this Court.

We may hasten to clarify, as the suggestion has been given from the side of petitioner no.3, we will not hold Sterling Wilson (a Shapoorji Pallonji Group Company) responsible for anything.

It is also submitted by Mr. Ranjit Kumar that in respect of a parcel of land admeasuring 26 acres in Devanahalli, Bangaluru two purchasers, namely, Mr. Raghavendra K., Designated Partner, M/s. Devas Global Services LLP; and Mr. Naresh Kumar Kempanna are prepared to purchase 11 acres, out of the 26 acres, for a sum of Rs.40 crores.

Let the abovementioned two purchasers deposit Rs.40 crores by 11th May 2018 before the Registry of this court whereafter they shall be entitled for transfer of the land in their favour.

As we have permitted the abovementioned two purchasers to deposit the amount before this Court, orders passed by this Court on 30.10.2017 and 12.03.2018 enabling the petitioners to negotiate, stand modified only as far as the aforesaid arrangement in respect of the above two properties is concerned.

We have also been apprised that National Consumer Disputes Redressal Commission (NCDRC), in Appeal Execution No.100 of 2017 etc., vide order dated 20.03.2018, has directed Land Acquisition Officer, Urban Estate, Haryana (Gurgaon) to deposit Rs.35,96,64,645/- (Rupees thirty five crore ninety six lac sixty four thousand six hundred forty five) payable to petitioner no.3.

It is further submitted by Mr. Ranjit Kumar that the beneficiaries of the orders by NCDRC are also on the portal created by Mr. Pawan Shree Agrawal, learned amicus curiae shall verify the names to be supplied by Mr. Bhandari, learned counsel assisting Mr. Ranjit Kumar.

In the meantime, if the amount is deposited before the NCDRC, it shall not disburse the amount as we may, in the eventuality, pass an order for transferring the amount so that there can be holistic distribution.

Mr. Pawan Shree Agrawal, learned amicus curiae submits that he may be allowed to close the portal. Permission is granted. The portal may be closed w.e.f. 12.04.2018. However, keeping the portal open till then does not mean that the registered flat buyers can exercise option of change in choice already recorded.

It is also submitted by Mr. Ranjit Kumar that a list of unencumbered properties has been produced and a copy thereof has been handed over to Mr. Pawan Shree Agrawal. He may open the same and discuss with Mr. Bhandari before issuing a Public Notice, inviting objections for sale, in requisite number of local and national newspapers which have wide circulation. The expenses of publication shall be borne by petitioner no.3 and its subsidiary companies. Additionally, the public notice be displayed on the portal

(online) created by Mr. Pawan Shree Agrawal for inviting objections for sale.

As an interim protection, it is directed that no other court or authority shall take any coercive steps against petitioner no.3 and its subsidiary companies except for production of petitioner nos.1 and 2 in the concerned criminal courts.

Crl.M.P.No.51484 of 2018

This is an application for extension of time filed on behalf of Pioneer Urban Land and Infrastructure Limited and others.

It is submitted by Mr. C.A. Sundaram, learned senior counsel that out of the amount of Rs.40 crores, as directed to be deposited vide order dated 05.03.2018, an amount of Rs.10 crores has been deposited and seeks time till end of April 2018 to deposit the balance amount of Rs.30 crores. The prayer stands allowed. We are sure, no further extension shall be sought.

Crl.M.P. stands disposed of accordingly.

Crl.M.P.No.51299 of 2018

Let a copy of this application be served on Mr. S. Udaya Kumar Sagar, Standing Counsel for State of Telangana.

Crl.M.P.No.41514 of 2018
in Crl.M.P.No.82341 of 2017
in S.L.P.(Crl.)No.5978-5979 of 2017

Mr. Kohli, learned counsel shall obtain instructions in the matter from the applicant, as suggested by this Court.

S.L.P.(Crl.)Nos.5978-5979 of 2017
and connected applications

Let the matter be listed on Wednesday, the 02nd May 2018.

In the meantime, the amount which has already been

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deposited and is lying with the Registry, shall be invested in a short term Fixed Deposit with a nationalised bank.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar