

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)

FOR ADMISSION and I.R. and IA No.73474/2017-APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY 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
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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 and IA
No. 98385/2017-INTERVENTION APPLICATION and IA
No. 98390/2017-INTERVENTION APPLICATION and IA
No. 98587/2017-INTERVENTION APPLICATION and IA
No. 98660/2017-INTERVENTION/IMPLEADMENT and IA
No. 99968/2017-INTERVENTION APPLICATION and IA
No. 100788/2017-INTERVENTION APPLICATION and IA
No. 101718/2017-VAKALATNAMA AND MEMO OF APPEARANCE and IA
No. 101725/2017-INTERVENTION APPLICATION and IA
No. 101728/2017-INTERVENTION APPLICATION and IA
No. 103667/2017-INTERVENTION APPLICATION and IA
No. 103791/2017-INTERVENTION APPLICATION and IA
No. 103799/2017-INTERVENTION APPLICATION and IA
No. 104384/2017-INTERVENTION APPLICATION and IA

No.105185/2017-INTERVENTION APPLICATION and IA
No.105189/2017-INTERVENTION APPLICATION and IA
No.105291/2017-INTERVENTION APPLICATION and IA
No.105437/2017-INTERVENTION/IMPLEADMENT and IA
No.105588/2017-INTERVENTION APPLICATION and IA
No.105601/2017-INTERVENTION APPLICATION and IA
No.105616/2017-INTERVENTION APPLICATION and IA
No.105632/2017-INTERVENTION APPLICATION and IA
No.105646/2017-INTERVENTION APPLICATION and IA
No.105657/2017-INTERVENTION APPLICATION and IA
No.105668/2017-INTERVENTION APPLICATION and IA
No.105675/2017-INTERVENTION APPLICATION and IA
No.106004/2017-INTERVENTION APPLICATION and IA
No.106067/2017-INTERVENTION APPLICATION and IA
No.106074/2017-INTERVENTION APPLICATION and IA
No.106077/2017-INTERVENTION APPLICATION and IA
No.106080/2017-INTERVENTION APPLICATION and IA
No.106313/2017-INTERVENTION APPLICATION and IA
No.106316/2017-INTERVENTION APPLICATION and IA
No.106462/2017-INTERVENTION APPLICATION and IA
No.106467/2017-INTERVENTION APPLICATION and IA
No.106473/2017-INTERVENTION APPLICATION)
No.107191/2017-INTERVENTION APPLICATION and IA
No.107196/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA
No.107233/2017-INTERVENTION APPLICATION and IA
No.107239/2017-INTERVENTION APPLICATION and IA
No.107245/2017-INTERVENTION APPLICATION and IA
No.107464/2017-INTERVENTION APPLICATION and IA
No.108587/2017-INTERVENTION APPLICATION and IA
No.108822/2017-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA
No.108851/2017-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA
No.109169/2017-INTERVENTION APPLICATION and IA
No.109671/2017-INTERVENTION APPLICATION and IA
No.109954/2017-INTERVENTION APPLICATION and IA
No.110321/2017-INTERVENTION APPLICATION and IA
No.110327/2017-INTERVENTION APPLICATION and IA
No.110460/2017-INTERVENTION APPLICATION and IA
No.110469/2017-INTERVENTION APPLICATION and IA
No.110474/2017-INTERVENTION APPLICATION and IA
No.110480/2017-INTERVENTION APPLICATION and IA
No.110486/2017-INTERVENTION APPLICATION and IA
No.110492/2017-INTERVENTION/IMPLEADMENT APPLICATION and IA
No.110495/2017-CLARIFICATION/DIRECTION and IA
No.110529/2017-INTERVENTION APPLICATION)

Date : 30-10-2017 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.)

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Mahesh Agrawal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Ms. Nattasha Garg, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Amit Sharma, Adv.
Mr. Dipesh Sinha, Adv.
Ms. Ayila Imti, Adv.

Mr. Chaitanejashil P., Adv.
Mr. Amit A. Pai, Adv.
Mr. Sujata Kurdukar, Adv.

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, Adv.
Mr. Birjesh Yadav, Adv.
Mr. Abhishek Jain, Adv.
Mr. Chirag Ahuja, Adv.
Mr. R.S. Garg, Adv.

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

Mr. S.S. Ray, Adv.
Mr. Amitabh Chaturvedi, Adv.
Mr. Vaibhav Gulia, Adv.
Ms. Rakhi Ray, Adv.

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchitsripai, Adv.
Mr. Himanshu K. Sharma, Adv.

Ms. Shobha, Adv.
Ms. Rekha Pandey, Adv.
Ms. Joyshree Barman, Adv.
Mr. B. Kranthi Kumar, Adv.

Mr. Anukul Raj, Adv.
Ms. Nikitaraj, Adv.
Mr. Shantanu Krishna, Adv.

Mr. Akshai Agarwal, Adv.
Mr. Prateek Gupta, Adv.

Ms. Kirti R. Mishra, Adv.
Ms. Apurva Upmanyu, Adv.

Mr. Ashwarya Sinha, Adv.
Ms. A Thanvi, Adv.
Ms. Ajita Tandon, Adv.

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

Mr. Abhinav Jain, Adv.
Mr. Anil Kumar Tandale, Adv.

Mr. Narendra Yadav, Adv.
Mr. Vivek Kr. Singh, Adv.

Mr. Vijay Kr. Sharma, Adv.
Mr. Anil Punj, Adv.

Mr. Hari Haran, Adv.

Ms. Sanya Talwar, Adv.
Mr. D.K. Sinha, Adv.

Ms. V. Mohana, Sr. Adv.
Mr. B. Ragunath, Adv.
Mr. Sriram P., Adv.

Mr. Umang Shankar, Adv.
Mr. Rajiv Ranjan Prasad, Adv.
Mr. Jalaj Agarwal, Adv.
Mr. Sunil Tomar, Adv.

Mr. Anant Bhushan, Adv.

Mr. Ashok Mathur, Adv.
Ms. Nidhi Agrawal, Adv.

Mr. Rajesh Kumar, Adv.
Mr. Gaurav Kumar Singh, Adv.
Mr. Rakesh Chaurasiya, Adv.
Mr. Bhumit Solanki, Adv.
Ms. Khushboo Aggarwal, Adv.
Mr. Aakash Sehrawat, Adv.

Ms. Divya Swami, Adv.
Mr. Nikhil Swami, Adv.

Mr. Ayush Sharma, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Abhishek Bharti, Adv.

Ms. Vaishnavi Subrahmanyam, Adv.

Ms. Pratiksha Mishra, Adv.

Mr. Arunava Mukherjee, Adv.

Mr. Sunil Sharma, Adv.

Mr. Sumit Kr. Sharma, Adv.

Mr. Niraj Sharma, Adv.

Dr. Aman Hingorani, Adv.

Ms. Priya Hingorani, Adv.

Mr. Kaustubh Anshuraj, Adv.

Mr. Arjun Singh Bhati, Adv.

Mr. T.N. Singh, Adv.

Mr. Vikas K. Singh, Adv.

Mr. Umang Tripathi, Adv.

Ms. Vanshaja Shukla, Adv.

Mr. Parmanand Yadav, Adv.

Mr. Partha Sil, Adv.

Mr. Tavish B. Prasad, Adv.

Ms. Preeti Shukla, Adv.

Mr. Somiran Sharma, Adv.

Mr. Amit Kumar, Adv.

Ms. Ruchit Dugar, Adv.

Mr. Awanish Kumar, Adv.

Mr. Saurabh Jain, Adv.

Mr. P.K. Jain, Adv.

Mr. Akshat Agarwal, Adv.

Mr. Prateek Gupta, Adv.

Mr. Aneesh Mittal, Adv.

Mr. Varun Chopra, Adv.

Mr. C.U. Singh, Sr. Adv.

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

I.A.No.110492 of 2017

This is an application for impleadment of the company. Having heard learned Mr. Ranjit Kumar, learned senior counsel and Mr. Abhimanyu Bhandari, learned counsel for the applicant, prayer for impleadment stands allowed.

However, prayer for direction shall be considered at the relevant time.

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

The present Special Leave Petitions assail the denial of interim bail to the petitioners. On many an occasion this Court had directed to deposit certain amount in pursuance of which the accused persons have deposited a sum of Rs.20 crores. Be it made clear, we are not concerned with the deposit made by the petitioners and the company in other Special Leave Petitions. In other matters disbursement has been directed of the principal sum on pro rata basis. That shall be dealt with in said Special Leave Petitions. Mr. Pawan Shree Agrawal learned amicus curiae shall apprise this Court when the Special Leave Petitions are taken so that accordingly appropriate orders can be passed. On being asked, Mr. Pawan Shree Agrawal submitted that he has got the information from the home buyers that some of them intend to have flats and some of them want the amount refunded. According to Mr. Agrawal, the amount that is computed for refund at present may go above Rs.2000 crores. Mr. C.U. Singh, learned senior counsel and some other learned counsel would submit that they would like to have the possession of the flats. There can be dispute over the proposition that the claims of the home buyers who intend to have possession of the flats and the other home buyers who intend to have refund deserve to be balanced. Mr. Ranjit Kumar and Mr. Abhimanyu Bhandari would submit that if they are allowed liberty they would monetise their assets and would be able to complete the projects so that the home buyers who intend to have possession can be satisfied.

We made a suggestion to Mr. Ranjit Kumar and Mr. Bhandari that the petitioners can arrange the money by executing appropriate documents within a fixed period to which a reply was given that they are not allowed to meet the lawyers more than once a week and that too without papers.

Mr. Nanda, learned counsel appearing for the State submitted that the jail authorities may be directed to facilitate the visits of the persons/officers/officials of the impleaded company and the petitioners so that they can negotiate. Needless to say, the lawyers can also go and meet them with documents and papers.

Having heard learned counsel for the parties at length it is directed that the petitioners shall be admitted to bail subject to the condition that they shall deposit a sum of Rs.750 crores in the Registry of this Court which shall be kept in an interest earning fixed deposit. The deposit shall be made by the end of December 2017. If the petitioners deposit the amount within the said time, liberty is granted to mention.

As far as the visits to the jail are concerned, the jail authorities shall facilitate the meetings of the petitioners with their officers/officials/employees at such intervals as may be intimated by the petitioners. The visit shall be made within the normal visiting hours. We have already stated that their counsel can visit the jail. The jail authorities shall also arrange a place where the petitioners will be in a position to negotiate.

We may further add, the prior intimation for visiting the jail is to be made before 24 hours so that the jail authorities can make appropriate arrangements.

The jail authorities shall also make the video conferencing facility available to the petitioners within the visiting hours so that they shall be in a position to negotiate.

It is hereby made clear that the petitioners are only entitled to negotiate in respect of unencumbered properties or assets.

If any proceeding is pending against the petitioners and the company, that may continue and the final order be passed, but no coercive steps will be taken for executing the said orders. We

have passed such an order as the entire scenario has been projected before us and we are sure that the petitioners shall comply with the directions issued by this Court from time to time.

Mr. Agrawal shall also create a portal where the persons who have invested with Unitech by way of fixed deposits shall give the requisite information. The home buyers who have already expressed their option in the portal made by the learned amicus curiae shall not put in anything by which their option will be changed.

Matter be listed in the second week of January 2018.

(SUBHASH CHANDER)
AR-CUM-PS

(H.S. PARASHER)
ASSISTANT REGISTRAR