

ITEM NO.16

Court 5 (Video Conferencing)

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.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(With appln.(s) for for approval of the resolution plan, appropriate orders/directions, clarification/direction, early hearing, exemption from filing affidavit, exemption from filing O.T., exemption from paying court fee, extension of time, intervention, intervention/impleadment, permission to appear and argue in-person, permission to file additional documents/facts/Annexures, permission to place additional facts and grounds, recalling the Court's order and withdrawal of case/application)

WITH S.L.P.(Cr1) Nos.5978-5979/2017 (II-C)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/direction, early hearing, exemption from filing affidavit, interim bail, intervention, intervention/impleadment, modification, modification of Court order, permission to appear and argue in-person, permission to file additional documents/facts/Annexures, direction, to file SLP without certified/plain copy of impugned order, permission to palce on record subsequent facts, recalling the Court's order, seeking custody certificate and withdrawal of case/application)

Date : 24-03-2021 These matters 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.)
Ms. Abhipsa Anamika, Adv.

For Appellant(s)

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

Mr. Deepak Goel, AOR

Ms. Ranjeeta Rohatgi, AOR
Ms. Neeha Nagpal, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Samtem Doma, Adv.

Mr. Mahesh Agarwal, Adv.
Mr. Ankur Sehgal, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Neeha Nagpal, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

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

Ms. Madhavi Divan, ASG
Mr. K.M. Nataraj, ASG
Ms. Shraddha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. M.K. Maroria, Adv.
Mr. B.V. Balramdas AOR
Mr. A. K. Sharma AOR
Mr. Shekhar Vyas, Adv.
Ms. Praveena Gautam, Adv.
Mrs. Anil Katiyar, AOR
Mr. B. Krishna Prasad, AOR
Mr. Raj Bahadur Yadav, Adv.
Mr. Prashant Singh, Adv.
Mr. Ayush Puri, Adv.

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

Ms. Maninder Acharya, Sr Adv.
Mr. Siddhartha Barua, Adv.
Ms. Aditi Gupta, Adv.

Ms. Jasmine Damkewala, AOR
Ms. Vaishali Sharma, Adv.
Mr. Dinesh Chander Trehan, Adv.

M/s DSK Legal

Mr. Sanpreet Singh Ajmani, Adv.
Mr. Varun Mishra, Adv.
Bably Singh, Adv.

Ms. Manju Jetley, AOR

Mr. Anil Grover, Sr AAG
Mr. Satish Kumar, Adv.
Mr. Sanjeev Prakash Upadhyaya, Adv.
Mr. Sanjay Kumar Visen, AOR

Ms. V. Mohana, Sr. Adv.
Mr. B. Raghunath, Adv.
Mr. Sriram Parakkat, Adv.

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

Mr. Brijesh Kumar Tamber, AOR

Ms. Sujata Kurdukar, AOR

Mr. Ranjit Kumar Sharma, AOR

Mr. Chandan Kumar, AOR

Mr. Jinendra Jain, AOR

Mr. Divyesh Pratap Singh, AOR

Ms. Bharti Tyagi, AOR

Mr. Gp. Capt. Karan Singh Bhati, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Aakarsh Kamra, AOR

Mrs. Gargi Khanna, AOR

Mr. Abhishek Kumar Singh, AOR

Mrs. Kirti Renu Mishra, AOR

Mr. Abhinav Mukerji, AOR

Mrs. Bihu Sharma, Adv.

Ms. Pratishtha Vij, Adv.

Mr. Sumit Kumar, AOR

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR

Mr. Sajan Poovayya, Sr. Adv.

Mr. Vikram Hegde, Adv.

Mr. Shantanu Lakhotia, Adv.

Ms. Hima Lawrence, AOR

Mr. Pratibhanu Kharolla, Adv.

Mr. Siddharth Batra, AOR

Mr. K. K. Mohan, AOR

Mr. Nishit Agrawal, AOR

Mr. Udayaditya Banerjee, AOR

Mr. M. M. Kashyap, AOR

Ms. Rakhi Ray, AOR

Mr. Rajesh Singh, AOR

Mr. Tarun Gupta, AOR

Mr. Vikram Singh, AOR

Mr. Rajesh Kumar, AOR

Mr. S. K. Verma, AOR

Mr. Aditya Singh, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. Sanjay Jain, AOR
Mr. Chandra Bhushan Prasad, AOR
M/S. Devasa & Co., AOR
Mr. S. Rajappa, AOR
Mr. T. Mahipal, AOR
Mr. M. R. Shamshad, AOR
Mr. Akshat Kumar, AOR
Mr. P.K. Jain, AOR
Mr. Kaushik Poddar, AOR
Ms. Divya Roy, AOR
Mr. Siddharth, AOR
Mr. Shantanu Sagar, AOR
Ms. Filza Moonis, AOR
Ms. Rashi Bansal, AOR
Mr. Archit Upadhayay, AOR
Ms. Aswathi M.K., AOR
Mr. Jay Kishor Singh, AOR
Mr. Mayank Goel, AOR
Ms. Harsh Lata, AOR
Mr. D. Abhinav Rao, AOR
Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Charu Mathur, AOR
Mr. Abhinav Shrivastava, AOR
Ms. Jaikriti S. Jadeja, AOR

Mr. Rajat Sehgal, AOR

Mr. Arjun Singh Bhati, AOR

Mr. Amit Sharma, AOR

M/S. Gagrat and Co, AOR

Mr. Ravindra Kumar, AOR

Mr. Krishnan Venugopal, Sr. Adv.

Mr. Sanjay Bhatt, Adv.

Mr. Joydeep Mukherjee, Adv.

Ms. Akansha Srivastava, Adv.

Mr. Rabin Majumder, AOR.

Mr. Rajeev Singh, AOR

Mr. Akshat Shrivastava, AOR

Mr. Shashibhushan P. Adgaonkar, AOR

Ms. Soumya Dutta, AOR

Mr. Gyan Prakash Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Vivek Gupta, AOR

Ms. Shagun Matta, AOR

Ms. Shobha Gupta, AOR

Ms. Medha Garg, Adv.

Mr. Ravindra Bana, AOR

Mr. Siddhartha Jha, AOR

Mr. Ashwani Kumar Dubey, AOR

Mr. Manish Kumar, Adv.

Mr. Sandeep Mishra, Adv.

Mr. Prashant Kumar Umrao, Adv.

Mr. Gopal Jha, AOR

M/S. Cyril Amarchand Mangaldas

Mr. Gagan Gupta, AOR

Mrs. B. Sunita Rao, AOR

Mr. Nikhil Swami, AOR

Ms. Divya Swami, Adv.

Ms. Madhurima Tatia, AOR

Ms. Rohini Prasad, AOR

M/S. Kmnp Law

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. C. K. Sasi, AOR

Ms. Garima Prashad, AOR

Mr. Sureshan P., AOR

Mr. Syed Jafar Alam, AOR

Mr. S. R. Setia, AOR

Mr. Abhay Kumar, AOR

Mr. M. P. Devanath, AOR

M/S. AV Global Chambers

Ms Swarupama Chaturvedi, AOR

Mr Ashutosh Mohan, Adv.

Ms Neha Rai, Adv.

Mr. Yadav Narender Singh, AOR

Dr. Harish Uppal, Adv.

Mr. Tishwar Prasad, Adv.

Mr. Naresh Aditya Madhav, Adv.

Mr Vikas Mehta AOR

Mr. Kushal Sarkar, Adv.

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

Mr. Atul Sharma, Adv.
Ms. Arveena Sharma, Adv.
Mr. Abhishek Agarwal, AOR

Mr. Roopansh Purohit, AOR

Mr. Somanatha Padhan, AOR

Mr. Anirudh Sharma, AOR

Mr. T. N. Singh, AOR

Ms. Manjula Gupta, AOR

Ms. Charu Ambwani, AOR

Mr. Saurabh Ajay Gupta, AOR

Mr. Sonal Jain, AOR

Mr. Bijoy Kumar Jain, AOR

Mr. Mohit D. Ram, AOR

Mr. Gaurav Goel, AOR

Mr. Arjun Harkauli, AOR

Mr. Roshan Santhalia, AOR

Mrs. Rachna Gupta, AOR

Mr. Praveen Agrawal, AOR

Mr. Prithvi Pal, AOR

Ms. Preeti Singh, AOR

Mr. R. K. Pandey, Adv.
Mr. Atul Sharma, AOR

Mr. Umang Shankar, AOR

Mr. K.G. Bhagat, Adv.

Ms. Archana Midha, Adv.
Ms. Manju Bhagat, Adv.
Mr. Vineet Bhagat, AOR

Mr. Jatin Zaveri, AOR

Mr. Karan Bharihoke, AOR

Mr. R. C. Kaushik, AOR

Mr. S.Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.

Mr. Kumar Sudeep, Adv.
Mr. Somesh Chandra Jha, AOR

Mr. Balaji Srinivasan, AOR

Col. Pahlad Singh Sharma, AOR
Mr. Ajit Sharma, Adv.
Col. Sushil Kumar Sharma, Adv.
Mr. Krishna Kant Shukla, Adv.
Mr. Pranshu Kaushal, Adv.
Mr. Kisalaya Shukla, Adv.
Ms. Mridula Ray Bharadwaj, AOR

Mr. Himanshu Shekhar, AOR

Mr. Awanish Kumar, AOR

Mr. Aldanish Rein, AOR

Mr. Kaustubh Anshuraj, AOR

Mr. Krishna Kumar Singh, AOR

Mr. Ashwarya Sinha, AOR

Mr. Arun Adlakha, Adv.
Mr. Onkar Prasad, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Mr. Partha Sil, AOR

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

Ms. Rashmi Nandakumar, AOR

Mr. Shantanu Krishna, AOR

Mr. Janak Dwarkadas, Sr. Adv.

Mr. Chitranshul Sinha, Adv.

Mr. Anil Agarwal, Adv.

Ms. Sonali Khanna, Adv.

Mr. Anshuman Chatuvedi, Adv.

Mr. Jaskaran Singh Bhatia, Adv.

M/S. Dua Associates

Mr. Ayush Sharma, AOR

Mr. Vaibhav Kumar, AOR

Mr. Aneesh Mittal, AOR

Ms. Jyoti Mendiratta, AOR

M/S. Hingorani & Associates

Ms. V. Mohana, Senior Advocate

Mr. Kaushik Choudhury, AOR

Mr. Preshit Vilas Surshe, AOR

Mr. C.S. Vaidyanathan, Sr. Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, AOR

Mr. Abhishth Kumar, AOR

Mr. Vikas Dutta, Adv.

Mr. Shiva Sambyal, Adv.

Mr. O.P. Bhadani, AOR

Mr. Aniruddha P. Mayee, AOR

Dr. Vinod Kumar Tewari, AOR

Ms. Upasana Nath, AOR

Mr. Atul Kumar, AOR

Mr. Sonal Jain, AOR

Mr. E. C. Agrawala, AOR

Mr. Arvind Gupta, AOR
Mr. Rabindra Tiwary, Adv.
Mr. Pran Krishna Jana, Adv.
Mr. Sunil Kumar Pandey, Adv.
Mr. Vivek Bhojajka, Adv.
Mr. Binod Kumar Singh, Adv.

Mr. Ritin Rai, Sr. Adv.
Mr. Rajshekhar Rao, Sr. Adv.
Ms. Liz Mathew, AOR
Ms. Zehra Khan, Advocate
Ms. Kritika Bhardwaj, Adv.
Mr. Vinayak Mehrotra, Adv.
Mr. Areeb Amanullah, Adv.
Ms. Sonali Jain, Adv.
Ms. Shreya Choudhary, Adv.

Mr. Mohit Paul, AOR
Mr. Mohit Jolly, Adv.
Ms. Chand Chopra, Adv.
Ms. Bhavya Shukla, Adv.
Ms. Sunaina Phul, Adv.

Mr. Akshat Kumar, AOR

M/S. D.S.k. Legal

Mr. Neeraj Shekhar, AOR
Mr. Sumit Kumar, Adv.

Mr. Neeraj Kumar, Adv.

Mr. Rajeeve Mehra, Sr. Adv.
Mr. Kunal Tandon, Adv
Mr. Tushar Singh, Adv
Ms. Pankhuri, Adv.
Mr. Parthasarathy Bose, Adv.
Mr. Mohd. Arif, Adv.
Mr. Akhilesh Yadav, Adv.

Ms. Pinky Anand, Sr. Adv.
Ms. Snidha Mehra, Adv.
Ms. Kirti Dua, Adv.
Ms. Priyanjali Singh, AOR

Mr. Rahul Rathore, Adv.

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Saurabh Chaudhary, Adv.

Ms. Shruti Agarwal, AOR

Mr. Deepak M Nargolkar, Sr. Adv.

Mr. Anant Kumar Vatsya, Adv.

Mr. Shiv Kumar, Adv.

Dr. Avnish Poddar, Adv.

Mr. Devendra Singh, AOR

Ms. Anshula Vijay Kumar Grover, AOR

Mr. Sudhansu Palo, AOR

Mr. Anand Sukumar, Adv.

Mr. Bhupesh Kumar Pathak, Adv.

Mrs. Meera Mathur, AOR

Mr. Braj Kishore Mishra, AOR

Mr. Vinod Kumar, Advocate

Mr. Abhishek Yadav, Advocate

Mr. K.V. Vishwanathan, Sr. Adv.

Mr. Sharath Sampath, Adv.

Mr. Tarun Mehta, Adv.

Mr. Manikya Khanna, Adv.

Mr. Sandeep Bajaj, Adv.

Ms. Nidhi Mohan Parashar, AOR

Mr. Pratyaksh Sharma, Adv.

Ms. Aakanksha Nehra, Adv.

Mr. Siddhartha Shukla, Adv.

Mr. Sunil Fernandes, AOR

Ms. Rashi Bansal, AOR

Mr. M. P. Vinod, AOR

Mr. A. Henry, Adv.

Mr. Rajiv Mehta, AOR

Mr. Ashwani Kumar, AOR

Ms. Kumud Nijhawan, Adv.

Ms. Sujata Kurdukar, AOR

**Mr. Ashish Kamat, Adv.
Mr. Ajay Vazirani, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Ameya Deosthale, Adv.
Mr. Kartik Bhatnagar, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Vardaan Wanchoo, Adv.
Ms. Sharanya Mahimtura, Adv.
Ms. Astha Prasad, Adv.
M/s. Karanjawala & Co.**

Ms. Pallavi Tayal, AOR

**Mr. Jappanpreet Hora, Adv.
Mr. Prabjot Hora, Adv.
Mr. A. Karthik, AOR**

Mr. Raj Kamal, AOR

Mr. Nitin Saluja, AOR

Mr. P. K. Jain, AOR

Mr. Kumar Dushyant Singh, AOR

Mr. Nikilesh Ramachandran, AOR

**Mr. Shashank Manish, AOR
Ms. Nidhi Sahay, Adv.
Mr. Yash Kumar, Adv.**

Ms. Misha Rohatgi, AOR

Mr. Shashi Bhushan P Adganokar, AOR

Mr. Vipin Kumar Jai, AOR

Mr. Sanjay Kumar Tyagi, AOR

Mr. Abhishek Kumar Singh, AOR

Mr. V. K. Monga, AOR

**Mr. Dileep Poolakkot, Adv.
Mr. Harshad V. Hameed, AOR**

Mrs. Ashly Harshad, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.

Mr. Shariq Ahmed, Adv.

Mr. Tariq Ahmed, Adv.

Mr. Praveen Gaurav, Adv.

Mr. Karan Mangain, Adv.

Mr. Saju Jakob, Adv.

Mr. Sunil Kumar Verma, AOR

Mr. Ashish Virmani, AOR

Mr. Sumit R. Sharma, AOR

Dr. Lalit Bhasin, Adv.

Ms. Nina Gupta, Adv.

Mr. P. V. Yogeswaran, AOR

Mr. Milind Kumar, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.

Mr. Mayank Grover, Adv.

Ms. Gurleen Kaur, Adv.

Mr. Jannesh Kumar, Adv.

Mr. Himanshu Shekhar, AOR

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Rajesh D.M., Advocate

Mr. Aman Gandhi, Adv.

Mr. Abhishek Sharma, Advocate

Mr. Akshat Kumar, Adv.

Ms. Reena Singh, Adv.

Ms. Megha Rani Ahuja, Adv.

Mr. Manish Kumar Gupta, AOR

Mr. Rajesh Kumar-1, AOR

Mr. Deepak Bansal, Adv.

Roopak Bansal, Adv.

Mr. Ravi Kumar Tomar, AOR

Mr. Sanjeev Dubey, Sr. Adv.

Mr. Udit Malik, Adv.

Mr. B. Ramana Murthy, Adv.

Mr. P.R Ramasesh, Adv.
Mr. Sanuj Das, Adv.
Mr. Gurudatta Ankolekar AOR.

Mr. Utkarsh Sharma, AOR

Mr. Suchit Mohanty, Adv.
Ms. Vandana Mohanty, Adv.
Mr Dipesh Sinha, Adv.

Mr. Rituraj Biswas, AOR

Mr. Gopal Jain, Sr. Adv.
Mr. Sandeep Devashish Das AOR.
Ms. Sukanya Lal, Adv.

Ms. Vanshaja Shukla, AOR

Mr. Avinash B. Amarnath, AOR

Mr. Gp. Capt. Karan Singh Bhati, AOR
Mr. Pushpraj Singh, Adv.
Mr. Jaideep Singh, Adv.

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

- 1 Mr N Venkataraman, learned Additional Solicitor General appearing on behalf of the new Board of Management of Unitech Limited appointed by the Union Government has requested this Court to issue three sets of directions to facilitate the work of the new Board of Management. These directions are comprised into the following categories, namely, (i) directions sought in order to enable the Board of Management to take full charge of the projects of Unitech Limited and to exercise due supervision and control of the overall assets including real estate and funds; (ii) directions in regard to information which has been sought from the *Amicus Curiae*, Shri Pawan Shree Agarwal about the receipt of funds deposited in the Registry and the disbursements; and (iii) directions required for facilitating the handing over of the charge of projects which were being supervised by the Justice Dhingra Committee.

- 2 The Learned Additional Solicitor General has explained the import of the directions which have been sought in respect of the above categories. Certain directions have been sought from this Court to facilitate the work of the new Board of Management. Having considered the proposed directions, we are of the view that at this stage, the following directions can be issued to facilitate the control and management of the new Board of Management:
- (1) The new Board shall be responsible for the management and control of the Unitech Group (including all its affiliates, trusts, subsidiaries etc.). The Order passed by this Court dated 20 January 2020 is applicable to all group entities of Unitech Ltd. The management is authorized to appoint and remove Directors/ Trustees of its subsidiaries/ trusts etc.;
 - (2) ICICI Bank and HDFC Bank shall provide account details already sought from them in soft copy form within 3 days so as to complete the audit of individual allottee ledgers;
 - (3) No bank, authority or forum shall appropriate/ attach any amount from the company's accounts on account of its payment obligations without the prior approval of this Hon'ble Court;
 - (4) The Revenue Officers in the States of Haryana, Uttar Pradesh, Kerala, Tamil Nadu, Telangana, Maharashtra, Karnataka and West Bengal shall on receiving a formal request from the new Board of Management cooperate with and support the site survey agencies engaged by the Unitech Group in determining the boundary pillars of its land holdings so as to complete the work of site-surveys of such land parcels;
 - (5) The new management is permitted to commence the process of appointing Project Management Consultants (PMCs) in order to initiate the bid management process for award of contracts to various project executing agencies;
 - (6) The Reserve Bank of India and other banks shall allow Unitech Ltd and its group of companies to open new project-wise accounts so as to

account for receipts and expenses pertaining to each project;

- (7) All Personnel, Professionals and consultants associated with the Unitech Group, in any capacity, counsel and other agencies appointed for the purpose of construction and delivery of projects including architects, designers and contractors are directed to cooperate and handover necessary documents (designs, drawings, court files etc.) to the new management and the contractors shall handover the sites free from any encumbrances so as to facilitate further construction. This will be without prejudice to the right of the above agencies and individuals to take necessary steps, by moving this court in respect of such claims as they may have in regard to past dues;
- (8) State Governments and the local administration of places where the properties of the Unitech Group are located, shall on a request being made by the Board of Management support and cooperate in removal of encroachments for securing the assets of the Company;

3 The *Amicus Curiae* submits that some of the information which has been sought from him would be available with the Registry of this Court and hence, before he furnishes the required information to the Board of Management in terms as sought, an officer of the Registry may be requested to hold a meeting with the *Amicus Curiae* so that such information in regard to the receipts, disbursements and investments and interest which has accrued on amounts invested by the Registry can be made available. The information which has been sought from the *Amicus Curiae* by the new board of management is extracted below:

- (1) Tabulated details of amounts disbursed to the homebuyers (project-wise), under the following categories:
 - (i) Name of the beneficiary along with Unit No. allotted
 - (ii) Amount refunded - separately as to principal and as interest
 - (iii) SLP/ petition no. filed before this Court
 - (iv) Details of amount which had been paid by the beneficiary

- (2) Details of payments made to FD Holders, under the following categories:
 - (i) Name of the beneficiary
 - (ii) Amount paid
 - (iii) Details of documents submitted/ claim filed
- (3) List of ex-employees submitted to the Registry for disbursement of amounts and status thereof;
- (4) Original title deeds received from homebuyers shall be handed over to the Company, along with correspondence with the homebuyers to further deposit the deeds, NOCs and other documents;
- (5) Requests received for possession from different homebuyers and those to whom refunds have been made;
- (6) Copy of correspondences with the Registry of the Hon'ble Court in respect of payments and disbursements;
- (7) Specific requests made vide letter dated 09.02.2021, are extracted below:
 - “(i) It has been mentioned in the Summary Sheet that an amount of Rs. 15 Crore has been allocated for payment to the Ex- employees but no figures are mentioned under Utilization column. Similarly, it has been mentioned that an amount of Rs. 47.40 crore has been allocated for refund to the Sr. Citizen FD Holders - again the Utilization Column is blank. Do we assume that no expenditure has been incurred against these allocations? We request you to kindly provide us with the complete individual details of the same so that these are updated in our records.
 - (ii) Further, since the PF amount of ex-employees has been directly deposited to the individual bank accounts, we request you kindly

provide us a certified copy of the same so that it can be updated with the EPFO as these are statutory liabilities of the Company.

- (iii) We would like to inform you that as per the information retrieved on 13 th August 2020, the amount of interest generated on FDRs placed by the Registry was approximately Rs. 27 crore, as also mentioned in the sheet enclosed with my DO letter of 16 th September 2020. I am sure that it would have gone up for the intervening period from September, 2020 to 31 st January, 2021. I would be grateful if this could be reconciled with the bank and the interest amount accrued till 31.01.2021 is shared with us.
- (iv) In the payment sheet, wherein the payments which have been disbursed from the Registry of the Hon'ble Apex Court, only the payments to M/s Grant Thornton and M/s JLL are shown. As per the records available with the company, certain payments to you (as also mentioned in the sheet enclosed with my letter) and Justice (Retd.) S.N Dhingra have also been processed. I would be grateful if you can provide the complete details of expenditure incurred on various heads so that our books of accounts are updated based on the same.
- (v) In the work-sheet for disbursal to 1338 homebuyers, we are unable to understand as to what is the total amount that has been processed for refund to these home-buyers as payment status is either left blank or is shown as 'payment not yet made' in a number of fields. We need your help in this behalf for greater clarity. If we consider the customers whose status is shown as blank, then the total amount is coming to Rs.124.74 crore (derived totals) as against the figure of Rs. 60.43 crore mentioned in the summary sheet.
- (vi) In the work-sheet of disbursal for persons covered under Civil Appeal 11108 of 2016 (Ravi Kumar Rajoria & Ors. versus M/s Unitech Limited & Ors.), the amount disbursed to the 10 customers

is shown as Rs. 3.22 crore. However, as per the information available with the company, the amount that has already been disbursed to these 10 customers is Rs. 6.67 crores. This needs to be reconciled.”

- 4 The information in Item 7 above is in terms of a communication dated 9 February 2021 which was addressed to the *Amicus Curiae* by the Chairperson of the Board of Directors. We find merit in the submission of the learned Additional Solicitor General that compiling and furnishing the above information is necessary for the Board to have a complete statement in regard to the receipts and disbursements which have taken place in the past. The learned *Amicus Curiae* shall furnish the information as sought by 30 April 2021.
- 5 In order to facilitate the *Amicus Curiae* in compiling the information as sought, the Registrar (Judicial) is requested to depute an officer from the concerned Section which is handling matters pertaining to the receipt of moneys, disbursing of payments and investments so that a complete set of accounts in that regard can be furnished.
- 6 The new Board of Management is also requested to depute an officer who will engage with the *Amicus Curiae* in order to facilitate a seamless transfer of the information and details as sought.
- 7 Since the Board of Management appointed by the Union of India has taken charge of the management of Unitech Limited, it is necessary to initiate and complete the process of handing over charge of the projects which were being looked after by the Justice Dhingra Committee together with all requisite details. The *Amicus Curiae* has informed the Court that an audit has been completed by the Justice Dhingra Committee. A copy shall be made available to the new Board of Management. For convenience of reference, the details which have been sought from the Justice Dhingra Committee are tabulated below:

- “(1) Projects where works were taken in hand and initiated by the Committee;
- (2) Contracts which have been awarded. Concluded contracts as well as pending contracts where financial implications are still to be honoured may kindly be specified, so as to ascertain pending liability that will have to be borne by the Company. This would also ascertain the scope of work yet to be done by the contractor, which can be monitored and implemented;
- (3) Details of works executed in the projects being monitored by the Committee;
- (4) Basis of arriving at percentage of work done, as submitted to the Hon’ble Court;
- (5) Details of amounts received and expenditure incurred by the Committee;
- (6) All original documents in physical form along with documents which are available in electronic form shall be provided;
- (7) Copies of minutes of Committee meetings, held from time to time, along with the copy of decisions taken therein;
- (8) Once the documents are made available, this would be followed by verification of actual site conditions and taking over by a Sub-Committee headed by Sh. Prabhakar Singh, Director on the newly appointed Board;
- (9) Board shall seek further cooperation of the Committee, in due course, if required for any information that may have been inadvertently left out”.

8 The Justice Dhingra Committee shall provide details item wise on the above points to the new Board of Management. The Court has been apprised that Mr Prabhakar Singh, a Member of the Board of Directors, has been authorized

by a resolution of the Board to interact with Justice Dhingra in order to ensure that all the requisite details and accounts are made available. Justice Dhingra is requested to complete this exercise by 30 April 2021.

- 9 List the matters tomorrow (25.3.2021) at 2 pm.

(CHETAN KUMAR)
A.R. - cum - P.S.

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR