

R E V I S E D

ITEM NO.5

COURT NO.1

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.10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(With appln.(s) for impleading party and clarification/direction)

WITH C.A. Nos.2511-2526/2017 (XVII)

(With appln.(s) for extension of time)

C.A. Nos.5174-5181/2017 (XVII)

C.A. No.10856/2016 (XVII)

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

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

(With appln.(s) for clarification/direction, permission to file additional documents)

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

(With appln.(s) for permission to file additional documents, for appropriate orders/directions and clarification/direction)

C.A. Nos.9391-9404/2017 (XVII)

(With appln.(s) for impleading party and intervention/impleadment)

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

(With appln.(s) for exemption from filing c/c of the impugned judgment, intervention/impleadment, impleading party and appropriate orders/directions and deleting the name of respondent)

C.A. No.16858/2017 (XVII)

(With appln.(s) for impleading party and for transposition)

S.L.P.(C) No.30997/2017 (XVII)

(For interim relief)

C.A. No.20003/2017 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and c/delay in refileing and appropriate orders/directions)

C.A. No.3727/2018 (XVII)

(With appln.(s) for appropriate orders/directions)

S.L.P.(C) No.12667/2018 (XVII)

(For interim relief)

C.A. Nos.6837-6838/2018 (XVII)

Diary No.20540/2018 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment, c/delay in filing appeal and c/delay in refileing)

Date : 21-08-2018 This appeal was 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. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.**

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Pawanshree Agrawal, AOR

**Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh Kumar Shukla, Adv.**

Mr. Shubhranshu Padhi, AOR

**Mrs. Rachana Joshi Issar, AOR
Ms. Vandana Mishra, Adv.
Ms. K. Vaijyanthi, Adv.
Mr. Shailabh Pandey, Adv.**

**Ms. Divya Roy, AOR
Mr. Manjit Singh Ahluwalia, Adv.
Mr. Jaspreet Singh, Adv.**

**Mr. Ranjit Kumar, Sr. Adv.
Mr. Gaurav Bhatia, AOR
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. E.C. Agrawala, Adv.**

**Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR**

Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Sr. Adv.
Mr. Tilashwar Prasad, Adv.
Mr. Adith, Adv.
Mr. Vikas Mehta, AOR

Petitioner-in-person

Mr. Ajay Kumar Talesara, AOR

Mr. Aswathi M.K., AOR
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Respondent(s)

Mr. E. C. Agrawala, AOR

Mr. P.N. Puri, AOR

Mr. Shish Pal Laler, Adv.
Mr. Johri Mal, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Devesh Kumar Tripathi, AOR

Mr. Ravindra Tiwary, Adv.
Mr. Arvind Gupta, AOR

Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Satyem Pandey, Adv.
Mr. Rakesh Mishra, AOR

Mr. Rajesh Goyal, AOR

Mr. Arjun Harkauli, AOR

Mr. Vinod Kumar Tiwari, AOR

Mr. B.V. Balaram Das, AOR

Mr. Nikhil Nayyar, AOR
Mr. Pritha Srikumar, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. B.P. Verma, Sr. Adv.
Mr. Siddhartha Jha, AOR

Mr. Mrityunjai Singh, Adv.
Mr. S. Udayakumar Sagar, AOR

Mr. Roopansh Purohit, AOR

Mr. Ravindra Bana, AOR

Mr. Omprakash, AOR

Mr. Ajitsingh Parihar, AOR

Mr. K. Radhakrishnan, Sr. Adv.
Mr. Rupesh Kumar, Adv.
Mrs. Praveena Gautam, Adv.
Mr. Shreyas Bhardwaj, Adv.
Mrs. Anil Katiyar, AOR

Mr. Abhinav Mukerji, AOR

Mr. Balaji Srinivasan, AOR
Mr. Siddhant Kohli, Adv.
Ms. Pratiksha Mishra, Adv.
Ms. Garima Jain, Adv.
Ms. Pallavi Sengupta, Adv.

Dr. Sumant Bharadwaj, Adv.
Mrs. Mridula Ray Bharadwaj, AOR
Ms. Rinchen Wangmo, Adv.
Mr. Vedant Bharadwaj, Adv.

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

Mr. Vineet Bhagat, AOR

Mr. Vikas Mehta, AOR

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

Mr. Umang Shankar, AOR
Mr. Jalaj Agarwal, Adv.
Mr. Mohit Kumar Singh, Adv.

Mr. Tarun Gupta, AOR

Mr. T.N. Singh, AOR
Mr. Vikas K. Singh, Adv.
Ms. Rajshree Singh, Adv.

Mr. Manoj Prasad, Sr. Adv.
Mr. T. Mahipal, AOR

Mr. Ashutosh Dubey, Adv.
Mr. K. Uma Shanker, Adv.
Mr. Anand Grover, Sr. Adv.
Mr. Himanshu Sinha, Adv.
Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, AOR

Mr. Sureshan P., AOR

Ms. Sujata Kurdukar, AOR

Mr. Ajay Veer Singh Jain, Adv.
Ms. Mamta Jain, Adv.
Mr. Uday Ram Bokadia, Adv.
Ms. Divya Garg, Adv.
Mr. Sonal Jain, AOR

Mr. Aabhas Parimal, Adv.
Mr. Somanatha Padhan, AOR

Ms. Shobha Gupta, AOR
Mr. Pritesh Kumar, Adv.
Mr. Sourav Roy, Adv.
Mr. Anurag Singh, Adv.

Mr. Shashibhushan P. Adagaonkar, AOR

Mr. Anukul Raj, Adv.
Ms. Nikita Raj, Adv.
Mr. Pradeep Kumar Singh, Adv.
Mr. Shantanu Sagar, AOR

Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

Mr. S. Rajappa, AOR

Mr. S.K. Verma, AOR

Mr. Ravindra Kumar, AOR

Mr. R.N. Vanjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Divya Bhardwaj, Adv.
Mr. Ranjit Kumar Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Ms. Rakhi Ray, AOR

Mr. Sachin Jain, Adv.
Ms. Isha Agarwal, Adv.

Mr. Akhil Sharma, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR
Mr. Rajesh Singh, AOR

Mr. Rajesh Kumar, AOR

Mr. Rajeev Singh, Aor
Mr. Prabuddha Singh, Adv.

Mr. Rahul Kaushik, AOR

Mr. R.C. Kaushik, AOR

Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Ms. Sanjana Srikumar Sharma, Adv.
Mr. K. Amrit Kumar Sharma, Adv.

Mr. Prithvi Pal, AOR

Mr. Praveen Agrawal, AOR

Mr. P.K. Jain, AOR

Mr. Dhruv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, AOR

Mr. Nikhil Swami, AOR

Ms. Nidhi Mohan Parashar, AOR
Mr. Sandeep Bajaj, Adv.
Mr. S. Quereshi, Adv.

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

Ms. Manjula Gupta, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Atul Sharma, Adv.
Ms. Abhilasha Singh, Adv.
Mr. M.R. Shamshad, AOR

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

Mr. Faheem N. Shah, Adv.
Mr. Apurv, Adv.
Ms. Liz Mathew, AOR

M/s. KMNP Law
Mr. Kaushik Poddar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. K.K. Mohan, AOR

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, AOR
Mr. Chirag Aneja, Adv.
Mr. Pranay Jain, Adv.
Mr. Birjesh yadav, Adv.
Ms. Aastha Chopra, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Manoranjan Sharma, Adv.
Mr. Jay Kishor Singh, AOR

Mr. Sunil Gupta, Sr. Adv.
Mr. Jatin Zaveri, AOR
Mr. Neel Kamal Mishra, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. S. Hariharan, Adv.
Ms. Jaikriti S. Jadeja, AOR

Ms. Hima Lawrence, AOR

Mr. Gyan Prakas, AOR

Mr. Kaushik Choudhury, AOR

Mr. Amit Kumar, AOR
Kumar Abhishek, Adv.

Mr. Avinash Sharma, AOR

Mr. Sanjib Sen, Sr. Adv.
Mr. Sayali, Adv.
Ms. Geetanjali S., Adv.
Mr. Himanshu Shekhar, AOR

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
For M/s. Cuyril Amarchan Mangaldas

Mr. Gopal Jha, Adv.
Mr. N.K. Sharma, Adv.
Mr. Shreyash Bhardwaj, Adv.

Mr. Ashok Kumar Jain, Adv.

Mr. Pankaj Jain, Adv.
Mr. Bijoy Kumar Jain, Adv.

Mr. Tushar Mehta, ASG
Mr. Ravi Prakash, Adv.
Mr. Samir Malik, Adv.
Mr. Neel Nath, Adv.
M/s. DSK Legal

Mr. S.D. Singh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Bharti Tyagi, Adv.
Mr. Ram Kripal Singh, Adv.
Mr. Jitender Singh, Adv.
Ms. Shweta Sinha, Adv.

Ms. Malini Sud, Adv.
Ms. Vijaylakshmi Menon, Adv.
Mr. Shaleen Srivastava, Adv.

Mr. Sriram P., Adv.

Mr. Abhishek Naik, Adv.
Mr. Neeraj Kumar, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar K.B., Adv.

Mr. Ishan Sanghi, Adv.
Mr. Anil Kumar Tandale, Adv.

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

Ms. Priya Kashyap, Adv.
Ms. Vandana S., Adv.
Mr. Raj goyal, Adv

Mr. Krishna Kumar Singh, Adv.
Mr. Narendra Prasad Yadav, Adv.
Mr. R. Raj Thakur, Adv.
Mr. Aditya Sinha, Adv.
Mr. Neelmani Pant, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.

Ms. Filza Moonis, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Aneesh Mittal, Adv.
Ms. Shreya Sharma, Adv.
Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.

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

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

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

Cr1.M.P. No.113585/2018 in S.L.P.(Cr1.) Nos.5978-5979/2017

It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the applicant that the property mentioned in the said application can be auctioned. Mr. Krishnan Venugopal, learned senior counsel, who is appearing for the lessee of a portion of the property submits that his offer at present is Rs.116.75 crores for the lease hold land as well as the land which has not been leased out.

Regard being had to the above, it is directed that the Committee shall commence the procedure of auction of the property mentioned in the application and finalize it within three weeks. The amount of Rs.116.75 crores shall be treated as the upset price. For the lease hold property, the upset price should be 40.65 crores and for the vacant land, it should be Rs.76.10 crores. The Committee shall proceed with and treat them as upset prices for both the lands. Be it made clear, the properties which are subject to auction, are unencumbered properties.

As we are directing the auction in the presence of

the lessee, we direct it to deposit a sum of Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court within a week hence. After the amount is deposited, the same shall be kept in a short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi, so that interest can be accrued on the same.

In the meantime, the Committee may proceed to auction the properties of the Directors which are unencumbered.

The amount of Rs.25,00,00,000/- (Rupees twenty-five crores only) which was directed to be disbursed on the last occasion, shall be disbursed on the basis of the direction given therein. We further add that Mr. Pawanshree Agarwal, learned counsel, who has been appointed as Amicus Curiae, is at liberty to nominate two juniors as assistants and their remuneration shall be fixed on the next date of hearing.

Let the matter be listed on 11th September, 2018, awaiting the progress of auction with regard to the Calcutta property.

I.A. No.4540/2018 In I.A. No.87210/2017 In S.L.P.(CrI.)
Nos.5978/2017

Having heard Mr. Sanjib Sen, learned senior counsel for the applicant, we are not inclined to entertain the interlocutory application. The same is, accordingly, dismissed.

(Chetan Kumar)
A.R. -cum-P.S.

(H.S. Parasher)
Assistant Registrar

ITEM NO.5

COURT NO.1

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.10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(With appln.(s) for impleading party and clarification/direction)

WITH C.A. Nos.2511-2526/2017 (XVII)

(With appln.(s) for extension of time)

C.A. Nos.5174-5181/2017 (XVII)

C.A. No.10856/2016 (XVII)

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

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

(With appln.(s) for clarification/direction, permission to file additional documents)

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

(With appln.(s) for permission to file additional documents, for appropriate orders/directions and clarification/direction)

C.A. Nos.9391-9404/2017 (XVII)

(With appln.(s) for impleading party and intervention/impleadment)

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

(With appln.(s) for exemption from filing c/c of the impugned judgment, intervention/impleadment, impleading party and appropriate orders/directions and deleting the name of respondent)

C.A. No.16858/2017 (XVII)

(With appln.(s) for impleading party and for transposition)

S.L.P.(C) No.30997/2017 (XVII)

(For interim relief)

C.A. No.20003/2017 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and c/delay in refiling and appropriate orders/directions)

C.A. No.3727/2018 (XVII)

(With appln.(s) for appropriate orders/directions)

S.L.P.(C) No.12667/2018 (XVII)

(For interim relief)

C.A. Nos.6837-6838/2018 (XVII)

Diary No.20540/2018 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment, c/delay in filing appeal and c/delay in refiling)

Date : 21-08-2018 This appeal was 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. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.**

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Pawanshree Agrawal, AOR

**Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh Kumar Shukla, Adv.**

Mr. Shubhranshu Padhi, AOR

**Mrs. Rachana Joshi Issar, AOR
Ms. Vandana Mishra, Adv.
Ms. K. Vaijyanthi, Adv.
Mr. Shailabh Pandey, Adv.**

**Ms. Divya Roy, AOR
Mr. Manjit Singh Ahluwalia, Adv.
Mr. Jaspreet Singh, Adv.**

**Mr. Ranjit Kumar, Sr. Adv.
Mr. Gaurav Bhatia, AOR
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. E.C. Agrawala, Adv.**

**Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR**

Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Sr. Adv.
Mr. Tilashwar Prasad, Adv.
Mr. Adith, Adv.
Mr. Vikas Mehta, AOR

Petitioner-in-person

Mr. Ajay Kumar Talesara, AOR

Mr. Aswathi M.K., AOR
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Respondent(s)

Mr. E. C. Agrawala, AOR

Mr. P.N. Puri, AOR

Mr. Shish Pal Laler, Adv.
Mr. Johri Mal, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Devesh Kumar Tripathi, AOR

Mr. Ravindra Tiwary, Adv.
Mr. Arvind Gupta, AOR

Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Satyem Pandey, Adv.
Mr. Rakesh Mishra, AOR

Mr. Rajesh Goyal, AOR

Mr. Arjun Harkauli, AOR

Mr. Vinod Kumar Tiwari, AOR

Mr. B.V. Balaram Das, AOR

Mr. Nikhil Nayyar, AOR
Mr. Pritha Srikumar, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. B.P. Verma, Sr. Adv.
Mr. Siddhartha Jha, AOR

Mr. Mrityunjai Singh, Adv.
Mr. S. Udayakumar Sagar, AOR

Mr. Roopansh Purohit, AOR

Mr. Ravindra Bana, AOR

Mr. Omprakash, AOR

Mr. Ajitsingh Parihar, AOR

Mr. K. Radhakrishnan, Sr. Adv.

Mr. Rupesh Kumar, Adv.

Mrs. Praveena Gautam, Adv.

Mr. Shreyas Bhardwaj, Adv.

Mrs. Anil Katiyar, AOR

Mr. Abhinav Mukerji, AOR

Mr. Balaji Srinivasan, AOR

Mr. Siddhant Kohli, Adv.

Ms. Pratiksha Mishra, Adv.

Ms. Garima Jain, Adv.

Ms. Pallavi Sengupta, Adv.

Dr. Sumant Bharadwaj, Adv.

Mrs. Mridula Ray Bharadwaj, AOR

Ms. Rinchen Wangmo, Adv.

Mr. Vedant Bharadwaj, Adv.

Mr. Narender Prasad Yadav, Adv.

Mr. Yadav Narender Singh, AOR

Mr. Vineet Bhagat, AOR

Mr. Vikas Mehta, AOR

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, AOR

Mr. Umang Shankar, AOR

Mr. Jalaj Agarwal, Adv.

Mr. Mohit Kumar Singh, Adv.

Mr. Tarun Gupta, AOR

Mr. T.N. Singh, AOR

Mr. Vikas K. Singh, Adv.

Ms. Rajshree Singh, Adv.

Mr. Manoj Prasad, Sr. Adv.

Mr. T. Mahipal, AOR

Mr. Ashutosh Dubey, Adv.

Mr. K. Uma Shanker, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Himanshu Sinha, Adv.
Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, AOR

Mr. Sureshan P., AOR

Ms. Sujata Kurdukar, AOR

Mr. Ajay Veer Singh Jain, Adv.
Ms. Mamta Jain, Adv.
Mr. Uday Ram Bokadia, Adv.
Ms. Divya Garg, Adv.
Mr. Sonal Jain, AOR

Mr. Aabhas Parimal, Adv.
Mr. Somanatha Padhan, AOR

Ms. Shobha Gupta, AOR
Mr. Pritesh Kumar, Adv.
Mr. Sourav Roy, Adv.
Mr. Anurag Singh, Adv.

Mr. Shashibhushan P. Adagaonkar, AOR

Mr. Anukul Raj, Adv.
Ms. Nikita Raj, Adv.
Mr. Pradeep Kumar Singh, Adv.
Mr. Shantanu Sagar, AOR

Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

Mr. S. Rajappa, AOR

Mr. S.K. Verma, AOR

Mr. Ravindra Kumar, AOR

Mr. R.N. Vanjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Divya Bhardwaj, Adv.
Mr. Ranjit Kumar Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Ms. Rakhi Ray, AOR

Mr. Sachin Jain, Adv.
Ms. Isha Agarwal, Adv.
Mr. Akhil Sharma, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Rajesh Singh, AOR
Mr. Rajesh Kumar, AOR
Mr. Rajeev Singh, Aor
Mr. Prabuddha Singh, Adv.
Mr. Rahul Kaushik, AOR
Mr. R.C. Kaushik, AOR
Mr. Sanjay parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Ms. Sanjana Srikumar Sharma, Adv.
Mr. K. Amrit Kumar Sharma, Adv.
Mr. Prithvi Pal, AOR
Mr. Praveen Agrawal, AOR
Mr. P.K. Jain, AOR
Mr. Dhruv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Nikhil Swami, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Sandeep Bajaj, Adv.
Mr. S. Quereshi, Adv.
Mr. A.S. Anand, Adv.
Mr. Mayank Goel, AOR
Ms. Manjula Gupta, AOR
Mr. M. Yogesh Kanna, AOR
Mr. Atul Sharma, Adv.
Ms. Abhilasha Singh, Adv.
Mr. M.R. Shamshad, AOR
Mr. Rohit Sharma, Adv.
Mr. Avinash Tripathi, Adv.
Mr. M.P. Devanath, AOR
Mr. Faheem N. Shah, Adv.
Mr. Apurv, Adv.
Ms. Liz Mathew, AOR
M/s. KMNP Law

Mr. Kaushik Poddar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. K.K. Mohan, AOR

Mr. Ajay Jain, Adv.

Mr. Jinendra Jain, AOR

Mr. Chirag Aneja, Adv.

Mr. Pranay Jain, Adv.

Mr. Birjesh yadav, Adv.

Ms. Aastha Chopra, Adv.

Mr. Anand Grover, Sr. Adv.

Mr. Manoranjan Sharma, Adv.

Mr. Jay Kishor Singh, AOR

Mr. Sunil Gupta, Sr. Adv.

Mr. Jatin Zaveri, AOR

Mr. Neel Kamal Mishra, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. S. Hariharan, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Hima Lawrence, AOR

Mr. Gyan Prakas, AOR

Mr. Kaushik Choudhury, AOR

Mr. Amit Kumar, AOR

Kumar Abhishek, Adv.

Mr. Avinash Sharma, AOR

Mr. Sanjib Sen, Sr. Adv.

Mr. Sayali, Adv.

Ms. Geetanjali S., Adv.

Mr. Gyanendra Kumar, Adv.

Ms. Jyoti Dastidar, Adv.

For M/s. Cuyril Amarchan Mangaldas

Mr. Gopal Jha, Adv.

Mr. N.K. Sharma, Adv.

Mr. Shreyash Bhardwaj, Adv.

Mr. Ashok Kumar Jain, Adv.

Mr. Pankaj Jain, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. Tushar Mehta, ASG
Mr. Ravi Prakash, Adv.
Mr. Samir Malik, Adv.
Mr. Neel Nath, Adv.
M/s. DSK Legal

Mr. S.D. Singh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Bharti Tyagi, Adv.
Mr. Ram Kripal Singh, Adv.
Mr. Jitender Singh, Adv.
Ms. Shweta Sinha, Adv.

Ms. Malini Sud, Adv.
Ms. Vijaylakshmi Menon, Adv.
Mr. Shaleen Srivastava, Adv.

Mr. Sriram P., Adv.

Mr. Abhishek Naik, Adv.
Mr. Neeraj Kumar, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar K.B., Adv.

Mr. Ishan Sanghi, Adv.
Mr. Anil Kumar Tandale, Adv.

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

Ms. Priya Kashyap, Adv.
Ms. Vandana S., Adv.
Mr. Raj goyal, Adv

Mr. Krishna Kumar Singh, Adv.
Mr. Narendra Prasad Yadav, Adv.
Mr. R. Raj Thakur, Adv.
Mr. Aditya Sinha, Adv.
Mr. Neelmani Pant, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.

Ms. Filza Moonis, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Aneesh Mittal, Adv.
Ms. Shreya Sharma, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.

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

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

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

Cr1.M.P. No.113585/2018 in S.L.P.(Cr1.) Nos.5978-5979/2017

It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the applicant that the property mentioned in the said application can be auctioned. Mr. Krishnan Venugopal, learned senior counsel, who is appearing for the lessee of a portion of the property submits that his offer at present is Rs.116.75 crores for the lease hold land as well as the land which has not been leased out.

Regard being had to the above, it is directed that the Committee shall commence the procedure of auction of the property mentioned in the application and finalize it within three weeks. The amount of Rs.116.75 crores shall be treated as the upset price. For the lease hold property, the upset price should be 40.65 crores and for the vacant land, it should be Rs.76.10 crores. The Committee shall proceed with and treat them as upset prices for both the lands. Be it made clear, the properties which are subject to auction, are unencumbered properties.

As we are directing the auction in the presence of the lessee, we direct it to deposit a sum of Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court within a week hence. After the amount is deposited, the same

shall be kept in a short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi, so that interest can be accrued on the same.

In the meantime, the Committee may proceed to auction the properties of the Directors which are unencumbered.

The amount of Rs.25,00,00,000/- (Rupees twenty-five crores only) which was directed to be disbursed on the last occasion, shall be disbursed on the basis of the direction given therein. We further add that Mr. Pawanshree Agarwal, learned counsel, who has been appointed as Amicus Curiae, is at liberty to nominate two juniors as assistants and their remuneration shall be fixed on the next date of hearing.

Let the matter be listed on 11th September, 2018, awaiting the progress of auction with regard to the Calcutta property.

I.A. No.72200/2018 in S.L.P.(CrI.) Nos.5978-5979/201

Having heard Mr. Sanjib Sen, learned senior counsel for the applicant, we are not inclined to entertain the interlocutory application. The same is, accordingly, dismissed.

(Chetan Kumar)
A.R. -cum-P.S.

(H.S. Parasher)
Assistant Registrar

ITEM NO.5

COURT NO.1

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.10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(With appln.(s) for impleading party and clarification/direction)

WITH C.A. Nos.2511-2526/2017 (XVII)

(With appln.(s) for extension of time)

C.A. Nos.5174-5181/2017 (XVII)

C.A. No.10856/2016 (XVII)

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

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

(With appln.(s) for clarification/direction, permission to file additional documents)

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

(With appln.(s) for permission to file additional documents, for appropriate orders/directions and clarification/direction)

C.A. Nos.9391-9404/2017 (XVII)

(With appln.(s) for impleading party and intervention/impleadment)

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

(With appln.(s) for exemption from filing c/c of the impugned judgment, intervention/impleadment, impleading party and appropriate orders/directions and deleting the name of respondent)

C.A. No.16858/2017 (XVII)

(With appln.(s) for impleading party and for transposition)

S.L.P.(C) No.30997/2017 (XVII)

(For interim relief)

C.A. No.20003/2017 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and c/delay in refiling and appropriate orders/directions)

C.A. No.3727/2018 (XVII)

(With appln.(s) for appropriate orders/directions)

S.L.P.(C) No.12667/2018 (XVII)

(For interim relief)

C.A. Nos.6837-6838/2018 (XVII)

Diary No.20540/2018 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment, c/delay in filing appeal and c/delay in refiling)

Date : 21-08-2018 This appeal was 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. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.**

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Pawanshree Agrawal, AOR

**Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh Kumar Shukla, Adv.**

Mr. Shubhranshu Padhi, AOR

**Mrs. Rachana Joshi Issar, AOR
Ms. Vandana Mishra, Adv.
Ms. K. Vaijyanthi, Adv.
Mr. Shailabh Pandey, Adv.**

**Ms. Divya Roy, AOR
Mr. Manjit Singh Ahluwalia, Adv.
Mr. Jaspreet Singh, Adv.**

**Mr. Ranjit Kumar, Sr. Adv.
Mr. Gaurav Bhatia, AOR
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. E.C. Agrawala, Adv.**

**Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR**

Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Sr. Adv.
Mr. Tilashwar Prasad, Adv.
Mr. Adith, Adv.
Mr. Vikas Mehta, AOR

Petitioner-in-person

Mr. Ajay Kumar Talesara, AOR

Mr. Aswathi M.K., AOR
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Respondent(s)

Mr. E. C. Agrawala, AOR

Mr. P.N. Puri, AOR

Mr. Shish Pal Laler, Adv.
Mr. Johri Mal, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Devesh Kumar Tripathi, AOR

Mr. Ravindra Tiwary, Adv.
Mr. Arvind Gupta, AOR

Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Satyem Pandey, Adv.
Mr. Rakesh Mishra, AOR

Mr. Rajesh Goyal, AOR

Mr. Arjun Harkauli, AOR

Mr. Vinod Kumar Tiwari, AOR

Mr. B.V. Balaram Das, AOR

Mr. Nikhil Nayyar, AOR
Mr. Pritha Srikumar, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. B.P. Verma, Sr. Adv.
Mr. Siddhartha Jha, AOR

Mr. Mrityunjai Singh, Adv.
Mr. S. Udayakumar Sagar, AOR

Mr. Roopansh Purohit, AOR

Mr. Ravindra Bana, AOR

Mr. Omprakash, AOR

Mr. Ajitsingh Parihar, AOR

Mr. K. Radhakrishnan, Sr. Adv.

Mr. Rupesh Kumar, Adv.

Mrs. Praveena Gautam, Adv.

Mr. Shreyas Bhardwaj, Adv.

Mrs. Anil Katiyar, AOR

Mr. Abhinav Mukerji, AOR

Mr. Balaji Srinivasan, AOR

Mr. Siddhant Kohli, Adv.

Ms. Pratiksha Mishra, Adv.

Ms. Garima Jain, Adv.

Ms. Pallavi Sengupta, Adv.

Dr. Sumant Bharadwaj, Adv.

Mrs. Mridula Ray Bharadwaj, AOR

Ms. Rinchen Wangmo, Adv.

Mr. Vedant Bharadwaj, Adv.

Mr. Narender Prasad Yadav, Adv.

Mr. Yadav Narender Singh, AOR

Mr. Vineet Bhagat, AOR

Mr. Vikas Mehta, AOR

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, AOR

Mr. Umang Shankar, AOR

Mr. Jalaj Agarwal, Adv.

Mr. Mohit Kumar Singh, Adv.

Mr. Tarun Gupta, AOR

Mr. T.N. Singh, AOR

Mr. Vikas K. Singh, Adv.

Ms. Rajshree Singh, Adv.

Mr. Manoj Prasad, Sr. Adv.

Mr. T. Mahipal, AOR

Mr. Ashutosh Dubey, Adv.

Mr. K. Uma Shanker, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Himanshu Sinha, Adv.
Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, AOR

Mr. Sureshan P., AOR

Ms. Sujata Kurdukar, AOR

Mr. Ajay Veer Singh Jain, Adv.
Ms. Mamta Jain, Adv.
Mr. Uday Ram Bokadia, Adv.
Ms. Divya Garg, Adv.
Mr. Sonal Jain, AOR

Mr. Aabhas Parimal, Adv.
Mr. Somanatha Padhan, AOR

Ms. Shobha Gupta, AOR
Mr. Pritesh Kumar, Adv.
Mr. Sourav Roy, Adv.
Mr. Anurag Singh, Adv.

Mr. Shashibhushan P. Adagaonkar, AOR

Mr. Anukul Raj, Adv.
Ms. Nikita Raj, Adv.
Mr. Pradeep Kumar Singh, Adv.
Mr. Shantanu Sagar, AOR

Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

Mr. S. Rajappa, AOR

Mr. S.K. Verma, AOR

Mr. Ravindra Kumar, AOR

Mr. R.N. Vanjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Divya Bhardwaj, Adv.
Mr. Ranjit Kumar Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Ms. Rakhi Ray, AOR

Mr. Sachin Jain, Adv.
Ms. Isha Agarwal, Adv.
Mr. Akhil Sharma, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Rajesh Singh, AOR
Mr. Rajesh Kumar, AOR
Mr. Rajeev Singh, Aor
Mr. Prabuddha Singh, Adv.
Mr. Rahul Kaushik, AOR
Mr. R.C. Kaushik, AOR
Mr. Sanjay parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Ms. Sanjana Srikumar Sharma, Adv.
Mr. K. Amrit Kumar Sharma, Adv.
Mr. Prithvi Pal, AOR
Mr. Praveen Agrawal, AOR
Mr. P.K. Jain, AOR
Mr. Dhruv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Nikhil Swami, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Sandeep Bajaj, Adv.
Mr. S. Quereshi, Adv.
Mr. A.S. Anand, Adv.
Mr. Mayank Goel, AOR
Ms. Manjula Gupta, AOR
Mr. M. Yogesh Kanna, AOR
Mr. Atul Sharma, Adv.
Ms. Abhilasha Singh, Adv.
Mr. M.R. Shamshad, AOR
Mr. Rohit Sharma, Adv.
Mr. Avinash Tripathi, Adv.
Mr. M.P. Devanath, AOR
Mr. Faheem N. Shah, Adv.
Mr. Apurv, Adv.
Ms. Liz Mathew, AOR
M/s. KMNP Law

Mr. Kaushik Poddar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. K.K. Mohan, AOR

Mr. Ajay Jain, Adv.

Mr. Jinendra Jain, AOR

Mr. Chirag Aneja, Adv.

Mr. Pranay Jain, Adv.

Mr. Birjesh yadav, Adv.

Ms. Aastha Chopra, Adv.

Mr. Anand Grover, Sr. Adv.

Mr. Manoranjan Sharma, Adv.

Mr. Jay Kishor Singh, AOR

Mr. Sunil Gupta, Sr. Adv.

Mr. Jatin Zaveri, AOR

Mr. Neel Kamal Mishra, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. S. Hariharan, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Hima Lawrence, AOR

Mr. Gyan Prakas, AOR

Mr. Kaushik Choudhury, AOR

Mr. Amit Kumar, AOR

Kumar Abhishek, Adv.

Mr. Avinash Sharma, AOR

Mr. Sanjib Sen, Sr. Adv.

Mr. Sayali, Adv.

Ms. Geetanjali S., Adv.

Mr. Gyanendra Kumar, Adv.

Ms. Jyoti Dastidar, Adv.

For M/s. Cuyril Amarchan Mangaldas

Mr. Gopal Jha, Adv.

Mr. N.K. Sharma, Adv.

Mr. Shreyash Bhardwaj, Adv.

Mr. Ashok Kumar Jain, Adv.

Mr. Pankaj Jain, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. Tushar Mehta, ASG
Mr. Ravi Prakash, Adv.
Mr. Samir Malik, Adv.
Mr. Neel Nath, Adv.
M/s. DSK Legal

Mr. S.D. Singh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Bharti Tyagi, Adv.
Mr. Ram Kripal Singh, Adv.
Mr. Jitender Singh, Adv.
Ms. Shweta Sinha, Adv.

Ms. Malini Sud, Adv.
Ms. Vijaylakshmi Menon, Adv.
Mr. Shaleen Srivastava, Adv.

Mr. Sriram P., Adv.

Mr. Abhishek Naik, Adv.
Mr. Neeraj Kumar, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar K.B., Adv.

Mr. Ishan Sanghi, Adv.
Mr. Anil Kumar Tandale, Adv.

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

Ms. Priya Kashyap, Adv.
Ms. Vandana S., Adv.
Mr. Raj goyal, Adv

Mr. Krishna Kumar Singh, Adv.
Mr. Narendra Prasad Yadav, Adv.
Mr. R. Raj Thakur, Adv.
Mr. Aditya Sinha, Adv.
Mr. Neelmani Pant, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.

Ms. Filza Moonis, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Aneesh Mittal, Adv.
Ms. Shreya Sharma, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.

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

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

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

Cr1.M.P. No.113585/2018 in S.L.P.(Cr1.) Nos.5978-5979/2017

It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the applicant that the property mentioned in the said application can be auctioned. Mr. Krishnan Venugopal, learned senior counsel, who is appearing for the lessee of a portion of the property submits that his offer at present is Rs.116.75 crores for the lease hold land as well as the land which has not been leased out.

Regard being had to the above, it is directed that the Committee shall commence the procedure of auction of the property mentioned in the application and finalize it within three weeks. The amount of Rs.116.75 crores shall be treated as the upset price. For the lease hold property, the upset price should be 40.65 crores and for the vacant land, it should be Rs.76.10 crores. The Committee shall proceed with and treat them as upset prices for both the lands. Be it made clear, the properties which are subject to auction, are unencumbered properties.

As we are directing the auction in the presence of the lessee, we direct it to deposit a sum of Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court within a week hence. After the amount is deposited, the same

shall be kept in a short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi, so that interest can be accrued on the same.

In the meantime, the Committee may proceed to auction the properties of the Directors which are unencumbered.

The amount of Rs.25,00,00,000/- (Rupees twenty-five crores only) which was directed to be disbursed on the last occasion, shall be disbursed on the basis of the direction given therein. We further add that Mr. Pawanshree Agarwal, learned counsel, who has been appointed as Amicus Curiae, is at liberty to nominate two juniors as assistants and their remuneration shall be fixed on the next date of hearing.

Let the matter be listed on 11th September, 2018, awaiting the progress of auction with regard to the Calcutta property.

I.A. No.72200/2018 in S.L.P.(CrI.) Nos.5978-5979/201

Having heard Mr. Sanjib Sen, learned senior counsel for the applicant, we are not inclined to entertain the interlocutory application. The same is, accordingly, dismissed.

(Chetan Kumar)
A.R. -cum-P.S.

(H.S. Parasher)
Assistant Registrar

ITEM NO.5

COURT NO.1

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.10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(With appln.(s) for impleading party and clarification/direction)

WITH C.A. Nos.2511-2526/2017 (XVII)

(With appln.(s) for extension of time)

C.A. Nos.5174-5181/2017 (XVII)

C.A. No.10856/2016 (XVII)

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

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

(With appln.(s) for clarification/direction, permission to file additional documents)

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

(With appln.(s) for permission to file additional documents, for appropriate orders/directions and clarification/direction)

C.A. Nos.9391-9404/2017 (XVII)

(With appln.(s) for impleading party and intervention/impleadment)

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

(With appln.(s) for exemption from filing c/c of the impugned judgment, intervention/impleadment, impleading party and appropriate orders/directions and deleting the name of respondent)

C.A. No.16858/2017 (XVII)

(With appln.(s) for impleading party and for transposition)

S.L.P.(C) No.30997/2017 (XVII)

(For interim relief)

C.A. No.20003/2017 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and c/delay in refiling and appropriate orders/directions)

C.A. No.3727/2018 (XVII)

(With appln.(s) for appropriate orders/directions)

S.L.P.(C) No.12667/2018 (XVII)

(For interim relief)

C.A. Nos.6837-6838/2018 (XVII)

Diary No.20540/2018 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment, c/delay in filing appeal and c/delay in refiling)

Date : 21-08-2018 This appeal was 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. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.**

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Pawanshree Agrawal, AOR

**Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh Kumar Shukla, Adv.**

Mr. Shubhranshu Padhi, AOR

**Mrs. Rachana Joshi Issar, AOR
Ms. Vandana Mishra, Adv.
Ms. K. Vaijyanthi, Adv.
Mr. Shailabh Pandey, Adv.**

**Ms. Divya Roy, AOR
Mr. Manjit Singh Ahluwalia, Adv.
Mr. Jaspreet Singh, Adv.**

**Mr. Ranjit Kumar, Sr. Adv.
Mr. Gaurav Bhatia, AOR
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. E.C. Agrawala, Adv.**

**Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR**

Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Sr. Adv.
Mr. Tilashwar Prasad, Adv.
Mr. Adith, Adv.
Mr. Vikas Mehta, AOR

Petitioner-in-person

Mr. Ajay Kumar Talesara, AOR

Mr. Aswathi M.K., AOR
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Respondent(s)

Mr. E. C. Agrawala, AOR

Mr. P.N. Puri, AOR

Mr. Shish Pal Laler, Adv.
Mr. Johri Mal, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Devesh Kumar Tripathi, AOR

Mr. Ravindra Tiwary, Adv.
Mr. Arvind Gupta, AOR

Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Satyem Pandey, Adv.
Mr. Rakesh Mishra, AOR

Mr. Rajesh Goyal, AOR

Mr. Arjun Harkauli, AOR

Mr. Vinod Kumar Tiwari, AOR

Mr. B.V. Balaram Das, AOR

Mr. Nikhil Nayyar, AOR
Mr. Pritha Srikumar, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. B.P. Verma, Sr. Adv.
Mr. Siddhartha Jha, AOR

Mr. Mrityunjai Singh, Adv.
Mr. S. Udayakumar Sagar, AOR

Mr. Roopansh Purohit, AOR

Mr. Ravindra Bana, AOR

Mr. Omprakash, AOR

Mr. Ajitsingh Parihar, AOR

Mr. K. Radhakrishnan, Sr. Adv.

Mr. Rupesh Kumar, Adv.

Mrs. Praveena Gautam, Adv.

Mr. Shreyas Bhardwaj, Adv.

Mrs. Anil Katiyar, AOR

Mr. Abhinav Mukerji, AOR

Mr. Balaji Srinivasan, AOR

Mr. Siddhant Kohli, Adv.

Ms. Pratiksha Mishra, Adv.

Ms. Garima Jain, Adv.

Ms. Pallavi Sengupta, Adv.

Dr. Sumant Bharadwaj, Adv.

Mrs. Mridula Ray Bharadwaj, AOR

Ms. Rinchen Wangmo, Adv.

Mr. Vedant Bharadwaj, Adv.

Mr. Narender Prasad Yadav, Adv.

Mr. Yadav Narender Singh, AOR

Mr. Vineet Bhagat, AOR

Mr. Vikas Mehta, AOR

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, AOR

Mr. Umang Shankar, AOR

Mr. Jalaj Agarwal, Adv.

Mr. Mohit Kumar Singh, Adv.

Mr. Tarun Gupta, AOR

Mr. T.N. Singh, AOR

Mr. Vikas K. Singh, Adv.

Ms. Rajshree Singh, Adv.

Mr. Manoj Prasad, Sr. Adv.

Mr. T. Mahipal, AOR

Mr. Ashutosh Dubey, Adv.

Mr. K. Uma Shanker, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Himanshu Sinha, Adv.
Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, AOR

Mr. Sureshan P., AOR

Ms. Sujata Kurdukar, AOR

Mr. Ajay Veer Singh Jain, Adv.
Ms. Mamta Jain, Adv.
Mr. Uday Ram Bokadia, Adv.
Ms. Divya Garg, Adv.
Mr. Sonal Jain, AOR

Mr. Aabhas Parimal, Adv.
Mr. Somanatha Padhan, AOR

Ms. Shobha Gupta, AOR
Mr. Pritesh Kumar, Adv.
Mr. Sourav Roy, Adv.
Mr. Anurag Singh, Adv.

Mr. Shashibhushan P. Adagaonkar, AOR

Mr. Anukul Raj, Adv.
Ms. Nikita Raj, Adv.
Mr. Pradeep Kumar Singh, Adv.
Mr. Shantanu Sagar, AOR

Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

Mr. S. Rajappa, AOR

Mr. S.K. Verma, AOR

Mr. Ravindra Kumar, AOR

Mr. R.N. Vanjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Divya Bhardwaj, Adv.
Mr. Ranjit Kumar Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Ms. Rakhi Ray, AOR

Mr. Sachin Jain, Adv.
Ms. Isha Agarwal, Adv.
Mr. Akhil Sharma, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Rajesh Singh, AOR
Mr. Rajesh Kumar, AOR
Mr. Rajeev Singh, Aor
Mr. Prabuddha Singh, Adv.
Mr. Rahul Kaushik, AOR
Mr. R.C. Kaushik, AOR
Mr. Sanjay parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Ms. Sanjana Srikumar Sharma, Adv.
Mr. K. Amrit Kumar Sharma, Adv.
Mr. Prithvi Pal, AOR
Mr. Praveen Agrawal, AOR
Mr. P.K. Jain, AOR
Mr. Dhruv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Nikhil Swami, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Sandeep Bajaj, Adv.
Mr. S. Quereshi, Adv.
Mr. A.S. Anand, Adv.
Mr. Mayank Goel, AOR
Ms. Manjula Gupta, AOR
Mr. M. Yogesh Kanna, AOR
Mr. Atul Sharma, Adv.
Ms. Abhilasha Singh, Adv.
Mr. M.R. Shamshad, AOR
Mr. Rohit Sharma, Adv.
Mr. Avinash Tripathi, Adv.
Mr. M.P. Devanath, AOR
Mr. Faheem N. Shah, Adv.
Mr. Apurv, Adv.
Ms. Liz Mathew, AOR
M/s. KMNP Law

Mr. Kaushik Poddar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. K.K. Mohan, AOR

Mr. Ajay Jain, Adv.

Mr. Jinendra Jain, AOR

Mr. Chirag Aneja, Adv.

Mr. Pranay Jain, Adv.

Mr. Birjesh yadav, Adv.

Ms. Aastha Chopra, Adv.

Mr. Anand Grover, Sr. Adv.

Mr. Manoranjan Sharma, Adv.

Mr. Jay Kishor Singh, AOR

Mr. Sunil Gupta, Sr. Adv.

Mr. Jatin Zaveri, AOR

Mr. Neel Kamal Mishra, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. S. Hariharan, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Hima Lawrence, AOR

Mr. Gyan Prakas, AOR

Mr. Kaushik Choudhury, AOR

Mr. Amit Kumar, AOR

Kumar Abhishek, Adv.

Mr. Avinash Sharma, AOR

Mr. Sanjib Sen, Sr. Adv.

Mr. Sayali, Adv.

Ms. Geetanjali S., Adv.

Mr. Gyanendra Kumar, Adv.

Ms. Jyoti Dastidar, Adv.

For M/s. Cuyril Amarchan Mangaldas

Mr. Gopal Jha, Adv.

Mr. N.K. Sharma, Adv.

Mr. Shreyash Bhardwaj, Adv.

Mr. Ashok Kumar Jain, Adv.

Mr. Pankaj Jain, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. Tushar Mehta, ASG
Mr. Ravi Prakash, Adv.
Mr. Samir Malik, Adv.
Mr. Neel Nath, Adv.
M/s. DSK Legal

Mr. S.D. Singh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Bharti Tyagi, Adv.
Mr. Ram Kripal Singh, Adv.
Mr. Jitender Singh, Adv.
Ms. Shweta Sinha, Adv.

Ms. Malini Sud, Adv.
Ms. Vijaylakshmi Menon, Adv.
Mr. Shaleen Srivastava, Adv.

Mr. Sriram P., Adv.

Mr. Abhishek Naik, Adv.
Mr. Neeraj Kumar, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar K.B., Adv.

Mr. Ishan Sanghi, Adv.
Mr. Anil Kumar Tandale, Adv.

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

Ms. Priya Kashyap, Adv.
Ms. Vandana S., Adv.
Mr. Raj goyal, Adv

Mr. Krishna Kumar Singh, Adv.
Mr. Narendra Prasad Yadav, Adv.
Mr. R. Raj Thakur, Adv.
Mr. Aditya Sinha, Adv.
Mr. Neelmani Pant, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.

Ms. Filza Moonis, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Aneesh Mittal, Adv.
Ms. Shreya Sharma, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.

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

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

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

Cr1.M.P. No.113585/2018 in S.L.P.(Cr1.) Nos.5978-5979/2017

It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the applicant that the property mentioned in the said application can be auctioned. Mr. Krishnan Venugopal, learned senior counsel, who is appearing for the lessee of a portion of the property submits that his offer at present is Rs.116.75 crores for the lease hold land as well as the land which has not been leased out.

Regard being had to the above, it is directed that the Committee shall commence the procedure of auction of the property mentioned in the application and finalize it within three weeks. The amount of Rs.116.75 crores shall be treated as the upset price. For the lease hold property, the upset price should be 40.65 crores and for the vacant land, it should be Rs.76.10 crores. The Committee shall proceed with and treat them as upset prices for both the lands. Be it made clear, the properties which are subject to auction, are unencumbered properties.

As we are directing the auction in the presence of the lessee, we direct it to deposit a sum of Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court within a week hence. After the amount is deposited, the same

shall be kept in a short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi, so that interest can be accrued on the same.

In the meantime, the Committee may proceed to auction the properties of the Directors which are unencumbered.

The amount of Rs.25,00,00,000/- (Rupees twenty-five crores only) which was directed to be disbursed on the last occasion, shall be disbursed on the basis of the direction given therein. We further add that Mr. Pawanshree Agarwal, learned counsel, who has been appointed as Amicus Curiae, is at liberty to nominate two juniors as assistants and their remuneration shall be fixed on the next date of hearing.

Let the matter be listed on 11th September, 2018, awaiting the progress of auction with regard to the Calcutta property.

I.A. No.72200/2018 in S.L.P.(CrI.) Nos.5978-5979/201

Having heard Mr. Sanjib Sen, learned senior counsel for the applicant, we are not inclined to entertain the interlocutory application. The same is, accordingly, dismissed.

(Chetan Kumar)
A.R. -cum-P.S.

(H.S. Parasher)
Assistant Registrar