

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 10856 OF 2016

IN THE MATTER OF:

BHUPINDER SINGH

.....PETITIONER

vs.

UNITECH LIMITED

...RESPONDENT

COMPILATION OF EFFECTIVE ORDERS IN BHUPINDER SINGH
V. UNITECH LIMITED [CIVIL APPEAL NO.10856 OF 2016] AND
SANJAY CHANDRA & ORS. V. STATE GOVT. OF NCT OF DELHI
& ORS. [SLP (CRL.) NO.5978-5979 OF 2017]
2017 – 2021

PAPER BOOK

(VOLUME-1)

(PAGE NO.01 TO 416)

(FOR INDEX – KINDLY SEE INSIDE)

INDEX

S. No.	PARTICULARS	PAGE NOS.
1.	Order dated 16.08.2017	1-2
2.	Order dated 24.08.2017	3-4
3.	Order dated 29.08.2017	5
4.	Order dated 01.09.2017	6-10
5.	Order dated 08.09.2017	11-13
6.	Order dated 15.09.2017	14-19
7.	Order dated 21.09.2017	20-25
8.	Order dated 23.10.2017	26-31
9.	Order dated 30.10.2017	32-40
10.	Order dated 06.11.2017	41
11.	Order dated 13.11.2017	42-44
12.	Order dated 20.11.2017	45-52
13.	Order dated 05.03.2018	53-58
14.	Order dated 06.03.2018	59-60
15.	Order dated 12.03.2018	61-65
16.	Order dated 26.03.2018	66-69
17.	Order dated 09.04.2018	70-85
18.	Order dated 02.05.2018	85-92
19.	Order dated 14.05.2018	93-102
20.	Order dated 05.07.2018	103-111
21.	Order dated 16.07.2018	112-120
22.	Order dated 07.12.2018	121-135
23.	Order dated 18.01.2019	136-146
24.	Order dated 23.01.2019	147-164
25.	Order dated 15.02.2019	165-177
26.	Order dated 07.03.2019	178-189
27.	Order dated 14.03.2019	190-191

28.	Order dated 01.04.2019	192-193
29.	Order dated 07.05.2019	194
30.	Order dated 09.05.2019	195-222
31.	Order dated 09.05.2019	223-250
32.	Order dated 05.07.2019	251-289
33.	Order dated 05.07.2019	290-328
34.	Order dated 25.07.2019	329-330
35.	Order dated 29.07.2019	331-356
36.	Order dated 12.12.2019	357-379
37.	Order dated 18.12.2019	380-413
38.	Order dated 07.01.2020	414
39.	Order dated 15.01.2020	415-416

ITEM NO.10

COURT NO.2

SECTION II-C

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 (Crl.) Nos.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

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI

Respondent(s)

(With appln.(s) for exemption from filing certified as well as plain copy of the impugned order, permission to file SLP without certified/plain copy of impugned order)

Date : 16-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Abhimanyu Bhandari, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Saket Sikri, Adv.
Mr. Rishabh Parikh, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Virmani, Adv.
Mr. Gaurav Jain, Adv.
Ms. Kartika Sharma, Adv.
Mr. Atul Malhotra, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rajiv Nanda, Adv.
Mr. B.V. Balram Das, Adv.

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

Let a copy of this petition be served on Mr. Rajiv Nanda, learned counsel appearing for the respondent-State.

He shall obtain instructions with regard to the list of consumers who have been paid the principal amount by the petitioner and who have been handed over the possession of the property. Learned counsel shall also obtain instructions with regard to the dues that remains to be paid by the petitioner to the consumers. He shall obtain instruction within a week hence.

List the matter on 24th August, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.5

COURT NO.2

SECTION II-C

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 (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 I.R. and APPLICATION FOR EXEMPTION FROM FILING CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER and PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER and INTERVENTION APPLICATION and INTERVENTION APPLICATION INTERVENTION APPLICATION and INTERVENTION APPLICATION and IINTERVENTION APPLICATION)

Date : 24-08-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Abhimanyu Bhandari, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agarwal, Adv.
Mr. Rajiv Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. ishabh Parikh, Adv.
Ms. Unnati Mishra, Adv.
Mr. Atul alhotra, Adv.
Ms. Kartika Sharma, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s) Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balramdas, Adv.

Mr. Abhinav Jain, Adv.

Mr. Varun K. Chandra, Adv.

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

Mr. Manjit Singh A., Adv.
Mr. A. Rein, Adv.

Ms. Garima Bajaj, Adv.

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

Having heard Mr. Bhandari, learned counsel for the petitioner and Mr. M.L. Lahoty, Mr. Rahjiv Nanda and Mr. Manjit Singh, learned counsel for the consumers, we think it appropriate to direct the petitioner to deposit a sum of Rs.15,00,00,000/- (Rupees fifteen crore only) before the Registry of this Court within two weeks hence. The said amount shall be invested in an interest bearing short term deposit in the UCO Bank, Supreme Court Compound, New Delhi.

Let the matter be listed on 18.9.2017. If the petitioner is able to deposit the amount earlier, liberty is granted to mention.

If any consumer is desirous of getting a flat, the authorised agent of the petitioner can hand over the flat in accordance with law.

All the applications for interventions are allowed.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Assistant Registrar

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 (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)

Date : 29-08-2017 These petitions were orally mentioned today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
E. C. Agrawala, AOR

For Respondent(s) Mr. Rana Mukherjee, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B. V. Balaram Das, AOR

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

On being mentioned, the matter is taken on Board.

Let the matter be listed on 1.9.2017 before the
appropriate Bench.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.73

COURT NO.1

SECTION II-C

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 (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 I.R. and APPLICATION FOR EXEMPTION FROM FILING CERTIFIED and
INTERVENTION APPLICATIONS)

Date : 01-09-2017 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. CHANDRACHUDFor Petitioner(s) Mr. Abhimanyu Bhandari, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agarwal, Adv.
Mr. Rajiv Virmani, Adv.
Mr. Gaurav Jain, Adv.
Ms. Unnati Mishra, Adv.
Mr. Atul Malhotra, Adv.
Ms. Kartika Sharma, Adv.
Mr. E.C. Agrawala, AORFor Respondent(s) Mr. Rana Mukherjee, Sr. Adv
Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balramdas, Adv.
Mr. B. Krishna Prasad, Adv.

Mr. Abhinav Jain, Adv.

Mr. Varun K. Chopra, Adv.

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Himanshu Shekhar, Adv.
Mr. A. Sripad, Adv.

Ms. Maheravish Rein, Adv.
Mr. Manjit Singh Ahluwalia, Adv.
Mr. Aldanish Rein, Adv.

Ms. Garima Bajaj, Adv.

Mr. Avnish Kumar, Adv.
Mr. Ruchit Duggar, Adv.

Mr. Anant Bhushan, Adv.

Mr. K. Anuraj, Adv.

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

Heard Mr. Abhimanyu Bhandari, learned counsel for the petitioners and Mr. Rana Mukherjee, learned senior counsel along with Mr. Rajeev Nanda, learned counsel for the respondent-State.

In pursuance of our order dated 24.8.2017, the petitioners have deposited a sum of Rs.15,00,00,000/- (Rupees fifteen crore only) before the Registry of this Court. To appreciate the controversy, it is appropriate to reproduce the order dated 24.8.2017 :-

"Having heard Mr. Bhandari, learned counsel for the petitioner and Mr. M.L. Lahoty, Mr. Rajiv Nanda and Mr. Manjit Singh, learned counsel for the consumers, we think it appropriate to direct the petitioner to deposit a sum of Rs.15,00,00,000/- (Rupees fifteen crore only) before the Registry of this Court within two weeks hence. The said amount shall be invested in an interest bearing short term deposit in the UCO Bank, Supreme Court Compound, New Delhi.

Let the matter be listed on 18.9.2017.
If the petitioner is able to deposit the

amount earlier, liberty is granted to mention.

If any consumer is desirous of getting a flat, the authorised agent of the petitioner can hand over the flat in accordance with law."

Mr. Bhandari, learned counsel for the petitioners has assiduously urged that both the petitioners should be enlarged on Bail.

Learned counsel appearing for the State would, in their turn, submit that they have made a verification, regard being had to the order dated 16.8.2017 and found that there are 158 persons who have filed the First Information Report (FIR) Though the FIR has been filed in respect of the project called 'Wild Flower Country' and 'Anthea Project', yet the controversy has a larger canvass.

We are absolutely conscious that we are dealing with an application for bail but the consumers who have invested their money in various projects which had been undertaken by the petitioners cannot be allowed to lurch in the dark. Their problem has to be solved. We must appreciably state that Mr. Bhandari on the previous occasion had assured the Court that the petitioners are inclined to settle with all the consumers in respect of all the projects. The settlement can take place in two ways, i.e. the consumers who are inclined to take possession of the flats can opt for the same; and second the consumers who want their money back shall get the amount invested along with interest.

At this stage, Mr. Manjit Singh Ahluwalia, Ms. Maheravish Rein and Mr. Varun Chopra, learned counsel submitted that they have also booked flats in the project to which the FIR relates. AS a sum of Rs.15,00,00,000/- (Rupees fifteen crores only) has been deposited, we direct the Registry to pay the

same on pro rata basis to the informants who have lodged the FIR. For calculation of the pro rata basis, Ms. Kartika Sharma, learned counsel assisting Mr. Bhandari, Mr. Manjit Singh Ahluwalia, Ms. Maheravish Rein and Mr. Varun Chopra shall assist the Registry so that there can be no difficulty in disbursing the amount on pro rata basis to the informants. Be it clarified, the pro rata payment has been directed relating to the FIR lodged by the informants in respect of this project.

In the course of hearing we have been apprised that some of the consumers have entered into a Memo Of Understanding (MOU) with the petitioners which pertains to getting the amount refunded or to get an alternative plot. If they desire to get the amount refunded, they may do so and thereafter the Registry will disburse the amount on pro rata basis to the informants who shall approach the Registry. Mr. Bhandari, Mr. Manjit Singh Ahluwalia and Ms. Maheravish Rein, learned counsel shall assist the Registry in this behalf. Mr. Bhandari, learned counsel appearing for the petitioners does not dispute the position that the informants had booked the flats. The pro rata amount shall be disbursed by the Registry on proper identification. Whoever wants alternative flat may file the necessary affidavit so that this Court can direct the petitioners to deliver the alternative flats within a stipulated time.

At this juncture, Mr. M.L. Lahoty, learned counsel appearing for some of the intervenors who have booked flats in three projects, namely, 'Vistas', 'Burgundy' and 'Amber' submits that 125 of them had visited the site. It is his submission that the said 125 consumers have no objection to take the flats on 'as is where is'. Mr. Bhandari, learned counsel appearing for the petitioners, per contra, would submit that the flats are not ready and the authorised agent may not be in a position to hand over the same. Regard being

had to the said situation, we are inclined to direct that Mr. Lahoty, learned counsel shall hand over the list of names of 125 consumers to Mr. Bhandari by 2.9.2017. The authorised agent of the petitioners shall scrutinize the documents to satisfy himself as regards the entitlement, show them the flats and if they accept the flats, he shall hand over the flats to them by 7.9.2017. Be it clarified, the issue of obtaining of occupancy certificate shall be considered at a later stage. To this arrangement, both Mr. Lahoty and Mr. Bhandari have no objection. Needless to emphasise, if there is any outstanding payment as per the agreement, it shall be given to the authorised agent by way of demand drafts. The delivery of possession to the clients of Mr. Lahoty, though relates to other projects, we have so directed keeping in view the larger scenario.

The question of grant of bail shall be considered on 8.9.2017. The petitioners is directed to deposit a further sum of Rs.5,00,00,000/- (Rupees five crore only) by 6.9.2017. On the conditions being satisfied, we are inclined to admit the petitioners on bail on the next date of hearing and the bail shall be interim in nature, for the purpose is that the petitioners shall pay the consumers who have booked flats in various projects with them.

All the applications for intervention stand allowed.

Call on 8.9.2017.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.38

COURT NO.1

SECTION II-C

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 (Crl.) Nos.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)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order and intervention)

Date : 08-09-2017 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

For Petitioner(s) Mr. Abhimanyu Bhandari, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Ms. Kartika Sharma, Adv.
Ms. Unnati Mishra, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rana Mukherjee, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B. V. Balaram Das, AOR

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Himanshu Shekhar, Adv.
Mr. Anchit Sripad, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Partha Sil, Adv.
Mr. Tavish B. Prasad, Adv.
Mr. Subhau Roy, Adv.

Mr. Balaji Srinivasan, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Mr. Abhishek Bharti, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Arunava Mukherjee, Adv.

Mr. Varun K. Chopra, Adv.

Mr. Awnish Kumar, Adv.
Mr. Ruchit D., Adv.

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

Ms. Rashmi nandakumar, Adv.
Ms. Pragya Routry, Adv.

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

Mr. Anant Bhushan, Adv.

Ms. Vibha Mahajan Seth, Adv.
Ms. Shriya Maini, Adv.
Ms. Upasana Nath, Adv.

Mr. Kushagra Pandit, Adv.
Mr. Rajat N., Adv.
Mr. D.K. Sinha, Adv.

Ms. Maheravish Rein, Adv.
Mr. Manjeet Singh, Adv.
Ms. Shamsravish Rein, Adv.
Mr. Aldamsh Rein, Adv.

Mr. Sunil Kumar Sharma, Adv.
Mr. Niraj Sharma, Adv.

Mr. Kaustubh Anshuraj, Adv.

Mr. Krishna Kumar Singh, Adv.
Mr. Vijay Kr. Sharma, Adv.
Mr. Narendra Prasad Yadav, Adv.

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

The interlocutory applications for intervention
stand allowed.

Heard Mr. Abhimanyu Bhandari, learned counsel for the petitioners.

We have been apprised that the F.I.R. from which the present bail application arose, which is pending before the High Court and the prayer for interim bail has been rejected, we had passed an order on 1st September, 2017, directing the petitioners to deposit a sum of Rs.5,00,00,000/- (Rupees five crores only) before the Registry of this Court, which they have already deposited. As on today, a sum of Rs.20,00,00,000/- (Rupees twenty crores only) has been deposited. It is agreed that some of the consumers are interested to take the possession of the flats after due completion and some would like to have their money refunded. Though there are submissions with regard to the allocation of plots, as presently advised, we do not intend to inter into that arena.

We would like to appoint Mr. Pawan Shree Agarwal, learned counsel as Amicus Curiae, who shall file a chart containing details of all the projects wherein the petitioners are involved and the names of the consumers and the amount deposited with the petitioners project wise. That apart, learned Amicus Curiae shall also, in discussion with the learned counsel for the petitioners, find out about the exact amount that is required to be refunded. Be it clarified, if any consumer is desirous of getting flat, he or she shall communicate it to Mr. Pawan Shree Agarwal through a letter supported by an affidavit so that there will be no confusion.

Let the matter be listed on 15th September, 2017.

(Chetan Kumar)
Court Master

(Shakti Parkash Sharma)
Assistant Registrar

ITEM NO.74

COURT NO.1

SECTION II-C

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 (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 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
No.91929/2017-INTERVENTION APPLICATION and IA
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)

Date : 15-09-2017 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

Amicus Curiae(s) Mr.Pawan Shree Agarwal,

For Petitioner(s) Mr.Abhimanyu Bhandari, Adv.
Mr.Mahesh Agarwal, Adv.
Mr.Abhinav Agrawal, Adv.
Mr.Rajiv Virmani, Adv.
Mr.Gaurav Jain, Adv.
Mr.Atul Malhotra, Adv.
Ms.Kartika Sharma, Adv.
Ms.Unnati Mishra, Adv.
E. C. Agrawala, AOR

**For Respondent(s) /
Intervenor(s)**

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

Mr.Dhruv Mehta, Sr.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.

Mr.Jaideep Gupta, Sr.Adv.
Mr.Partha Sil, Adv.
Mr.T.B.Prasad, Adv.
Mr.Subhayu Roy, Adv.
Mr.Soumya Dutta, Adv.

Mr.Varun K.Chopra, Adv.
Mr.Rahul Kaushik, Adv.

Mr.M.L.Lahoty, Adv.
Mr.Paban K.Sharma, Adv.
Mr.Himanshu Shekhar, Adv.
Mr.Anchit Sripad, Adv.

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

Ms.Rashmi Nandakumar, Adv.
Ms.Pragya Routry, Adv.

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

Mr.Anant Bhushan, Adv.

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

Mr.Kushagra Pandit, Adv.
Mr.Rajit N., Adv.
Mr.D.K.Sinha, Adv.

Ms.Maheravish Rein, Adv.
Mr.Manjeet Singh, Adv.
Ms.Shamshravish Rein, Adv.
Mr.Aldamsh Rein, Adv.

Mr.Sunil Sharma, Adv.
Mr.Niraj Sharma, Adv.
Mr.Sumit Kumar Sharma, Adv.

Mr.Kaustubh Anshuraj, Adv.

Mr.Narendra Prasad Yadav, Adv.
Mr.Narednra Singh Yadav, Adv.

Mr.Kishan Kumar Singh, Adv.
Mr.Vijay Kumar Sharma, Adv.

Mr.Anupam Lal Das, Adv.
Mr.Anirudh Singh, Adv.
Mr.Krishanu Barua, Adv.
Ms.Ruchita Cheema, Adv.

Mr.Ajay Jain, Adv.
Mr.Shekhar Raj Sharma, Adv.
Mr.Jinendra Jain, Adv.
Mr.I.C.Jain, Adv.
Mr.Brijesh Yadav, Adv.
Mr.R.S.Garg, Adv.
Mr.R.P.Kaushal, Adv.

Mr.Avanish Kumar, Adv.
Mr.Chandrashekhar, Adv.
Mr.Ruchit D., Adv.

Mr.Umang Shankar, Adv.
Mr.Rajiv Ranjan Prasad, Adv.
Mr.Sunil Kr.Tomar, Adv.
Mr.Jalaz Aggarwal, Adv.

Ms.Vanshuja Shukla, Adv.
Mr.Parmanand, Adv.

Mr.R.Satish Kumar, Adv.
Mr.Akshat Aggarwal, Adv.
Mr.Prateek Gupta, Adv.
Mr.Naresh Kumar, Adv.

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

Ms.Shobha, Adv.
Ms.Joyshree Barman, Adv.
Ms.Rekha Pandey, Adv.

Mr.V.K.Sharma, Adv.
Mr.Rajesh Kumar, Adv.

Mr.Hira Lal, Adv.
Mr.R.K.Srivastava, Adv.

Mr.Devendra Singh, Adv.
Mr.Sanchar Anand, Adv.
Mr.A.K.Vatsya, Adv.

Mr.Arjun Singh Bhati, Adv.

Mr.Amit Sharma, Adv.
Mr.Dipesh Sinha, Adv.

Mr.Vivek Chib, Adv.
Mr.Asif Ahmed, Adv.
Ms.Pracheta Kar, Adv.
Mr.Vikramaditya, Adv.
Mr.Kushal Gupta, Adv.
Mr.V.Shyamohan, Adv.
Mr.Surya Prakash, Adv.
Ms.Ruchira Goel, Adv.
Mr.Pushkar Parihar, Adv.

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

Let the matter be listed on 21.09.2017 to enable Mr.Pawan Shree Agarwal, learned amicus curiae, to file a chart of all projects reflecting the number of home buyers and the amount paid by them.

The amicus curiae is permitted to collect data on a web portal from flat buyers who are interested in taking possession of the flats or those who have taken possession. All the home buyers including those who have already submitted the data are directed to upload the data on the web portal which shall be created by Mr.Pawan Shree Agarwal, learned amicus.

Let the matter be listed on 21.09.2017, on which date, the amicus shall provide the details of the web portal.

Liberty is granted to the petitioners to provide details to the amicus.

The persons who have given advance for the flats are also permitted to upload the details on the portal so that the amicus can collect the data in respect of them under a different category.

The learned amicus, is at liberty to take the assistance of any two lawyers. This Court shall fix their remuneration in due course.

(SATISH KUMAR YADAV)
AR-CUM-PS

(SHAKTI PARKASH SHARMA)
ASST.REGISTRAR

ITEM NO.15

COURT NO.1

SECTION II-C

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)

([NAME OF THE ADVOCATE MR. PAWAN SHREE AGARWAL (A.C.) MAY BE SHOWN]
FOR ADMISSION and I.R. and IA No.73474/2017-APPLICATION FOR
EXEMPTION FROM FILING CERTIFIED 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
No.91929/2017-INTERVENTION APPLICATION and IA
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No.91960/2017-INTERVENTION APPLICATION and IA
No.91988/2017-INTERVENTION APPLICATION and IA
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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)

Date : 21-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Mr.M.C.Dhingra, Adv.
Mr.Gaurav Dhingra, Adv.
Ms.S.Lal, Adv.

Mr.Salman Khursheed, Sr.Adv.
 Mr.Abhimanyu Bhandari, Adv.
 Mr.Abhinav Agrawal, Adv.
 Mr.Rajiv Kumar Virmani, Adv.
 Mr.Gaurav Jain, Adv.
 Mr.Atul Malhotra, Adv.
 Ms.Unnati Mishra, Adv.
 Mr.E.C.Agrawala, AOR

(For applicants) Ms.Shobha, Adv.
 Ms.Rekha Pandey, Adv.
 Ms.Joyshree Barman, Adv.

(for applicant) Mr.S.S.Ray, Adv.
 Mr.Amitabh Chaturvedi, Adv.
 Mr.Vaibhav Gulia, Adv.
 Mr.Rakhi Ray, Adv.

For Respondent(s)

Mr.Ajay Jain, Adv.
 Mr.Jinendra Jain, Adv.
 Mr.Birjesh Yadav, Adv.
 Mr.Shekhar Raj Sharma, Adv.
 Mr.R.S.Garg, Adv.

Mr.M.L.Lahotry, Adv.
 Mr.Paban K.Sharma, Adv.
 Mr.Himanshu Shekhar, Adv.

Mr.Dhruv Mehta, Sr.Adv.
 Mr.Rajesh Kumar, Adv.
 Mr.Gaurav Kumar Singh, Adv.
 Mr.Bhumit Solanki, Adv.
 Mr.Rakesh Chaurasiya, Adv.
 Mr.Anant Gautam, Adv.
 Ms.Khushboo Aggarwal, Adv.
 Mr.Aakash Sehrawat, Adv.

(For Intervenor) Mr.Sunil Sharma, Adv.
 Mr.Niraj Sharma, Adv.

Mr.Varun K. Chopra, Adv.
 Mr.Yashavardhan Oja, Adv.

(For Intervenor) Mr.A.Kumar, Adv.
 Mr.Ruchit Daggur, Adv.
 Mr.Shivankar Mehrotra, Adv.

(For Intervenor) Mr.Partha Sil, Adv.
 Mr.Tavish B. Prasad, Adv.
 Ms.Subhayu Roy, Adv.

- Mr.K.Anshuraj, Adv.
- (For Intervenor) Mr.Anant Bhushan, Adv.
M/s Gian Finance Ltd.
- (For Intervenor) Mr.Faheem Shah, Adv.
Ms.Liz Mathew, Adv.
- (For Intervenor) Mr.Narendra Prasad Yadav, Adv.
Mr.Krishna Kumar Singh, Adv.
- (For Intervenor) Mr.Vijay Kumar Sharma, Adv.
Mr.Narender Singh Yadav, Adv.
- Ms.Vanshuja Shukla, Adv.
Mr.Parmanand Yadav, Adv.
- (For Intervenor) Ms.Maheravish Rein, Adv.
Ms.Shamshravish Rein, Adv.
Mr.Manjeet Singh Ahluwalia, Adv.
Mr.Aldanish Rein, Adv.
- Ms.Rashmi Nandakumar, Adv.
Ms.Prayag Routry, Adv.
- Mr.Varun K. Chopra, Adv.
- Mr.Rajiv Nanda, Adv.
Mr.T.A.Khan, Adv.
Mr.B.V.Balramdas, Adv.
- (For Intervenor) Mr.Sauravbh Jain, Adv.
Mr.P.K.Jain, Adv.
Mr.S.P.Singh Rathore, Adv.
Mr.P.K.Goswami, Adv.
- (For Intervenor) Ms.Vibha Mahajan, Adv.
Ms.Upasana Nath, Adv.

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

Heard Mr.Salman Khursid, learned senior counsel along
with Mr.Bhandari for the petitioner, Mr.Pawan Shree
Agarwal, learned counsel who is appointed as amicus curiae
in this case.

On 15.09.2017 this Court had passed the following order:

"Let the matter be listed on 21.09.2017 to enable Mr.Pawan Shree Agarwal, learned amicus curiae, to file a chart of all projects reflecting the number of home buyers and the amount paid by them.

The amicus curiae is permitted to collect data on a web portal from flat buyers who are interested in taking possession of the flats or those who have taken possession. All the home buyers including those who have already submitted the data are directed to upload the data on the web portal which shall be created by Mr.Pawan Shree Agarwal, learned amicus.

Let the matter be listed on 21.09.2017, on which date, the amicus shall provide the details of the web portal.

Liberty is granted to the petitioners to provide details to the amicus.

The persons who have given advance for the flats are also permitted to upload the details on the portal so that the amicus can collect the data in respect of them under a different category.

The learned amicus, is at liberty to take the assistance of any two lawyers. This Court shall fix their remuneration in due course."

Mr.Pawan Shree Agarwal, learned counsel has prepared a chart and created a Unitech Buyers Claims Submission Portal, that is, www.amicusunitech.in Link. It is his submission that the petitioners had taken up 74 projects out of which possession has been handed over to the home buyers in respect of 61 projects there are 16300 home buyers. The 61 projects involve 23931 flats.

According to Mr. Agarwal, the amount that is required to be refunded comes to Rs.7816 crores. In view of the aforesaid we ask the learned amicus curiae to invite options from the home buyers of the 61 projects whether they are inclined to take possession of the flats or desirous to get the amount refunded. Be it noted, the portal shall be operational from 22.09.2017. The home buyer who have already got possession in respect of 13 projects will not be entitled to give their option because they have already taken over possession.

The contents of the present order be published on the official website of the Supreme Court of India for wider circulation and benefit of the home buyers so that they can log in on the portal and indicate their options.

Let the matters be listed on 23rd October, 2017.

(Ashok Raj Singh)
Court Master

(H.S.Parasher)
Assistant Registrar

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 (Crl.) Nos.5978-5979/2017

(Arising out of impugned final judgment and order dated 11-08-2017 in BA No. 1573/2017 and 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

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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

- 3 -

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)

Date : 23-10-2017 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. Rana Mukherjee, Sr. Adv.
 Mr. Rajiv Nanda, Adv.
 Mr. T.A. Khan, Adv.
 Mr. B. V. Balaram Das, AOR
 Mr. B.K. Prasad, Adv.
 Mr. Sreoshi Chatterjee, Adv.
 Ms. Daisy Hannah, Adv.
 Ms. Kasturika Kaumudi, Adv.
 Ms. Ekta Pradhan, Adv.

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

Mr. Amit A. Pai, Adv.
Ms. Sujatha Kurdukar, Adv.

Mr. Sunil Sharma, Adv.
Mr. Sumit Kr. Sharma, Adv.
Mr. Niraj Sharma, Adv.

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

Ms. Rashmi Nandakumar, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, 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. Himanshu K. Sharma, Adv.

Mr. Kaustubh Anshuraj, Adv.

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

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

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

Mr. Arjun Singh Bhati, Adv.

Mr. T.N. Singh, Adv.
Mr. Vikas K. Singh, Adv.
Mr. Umang Tripathi, Adv.

- 5 -

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

Mr. Ashwarya Sinha, Adv.
Ms. Priyanka Sinha, Adv.
Ms. Ajita Tandon, Adv.

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

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

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

Mr. Jaideep Gupta, Sr. Adv.
Mr. Partha Sil, Adv.
Mr. Tavish B. Prasad, Adv.
Ms. Preeti Shukla, Adv.

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

Mr. Vijay Kr. Sharma, Adv.
Mr. Anil Punj, Adv.
Mr. Narendra Singh Yadav, Adv.

Mr. Hari Haran, Adv.

Mr. Somiran Sharma, Adv.
Mr. Amit Kumar, 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.

Ms. Ruchit Dugar, Adv.
Mr. Awanish Kumar, Adv.

Mr. Saurabh Jain, Adv.
Mr. P.K. Jain, Adv.

Mr. Aneesh Mittal, Adv.
Mr. Varun Chopra, Adv.

- 6 -

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

Let the matter be listed on 30th October 2017.

Mr. Pawan Shree Agarwal, Amicus Curiae is at liberty to keep the Portal open. Mr. Pawan Shree Agarwal can take assistance of Mr. Aneesh Mittal, Advocate and Mr. Varun Chopra, Advocate.

(SUBHASH CHANDER)
AR-CUM-PS

(H.S. PARASHER)
ASSISTANT REGISTRAR

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 (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

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- 3 -

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 No.105646/2017-INTERVENTION APPLICATION and IA
 No.105657/2017-INTERVENTION APPLICATION and IA
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 No.106080/2017-INTERVENTION APPLICATION and IA
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 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.

- 6 -

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

ITEM NO.816

COURT NO.1

SECTION II-C

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 (CrI.) No.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI

Respondent(s)

Date : 06-11-2017 These petitions were MENTIONED today.

CORAM :

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

For Petitioner(s)

Mr. E. C. Agrawala, AOR

For Respondent(s)

Mr. B. V. Balaram Das, AOR

UPON being mentioned the Court made the following
O R D E R

On mentioning, the matter is taken on Board.

List the matter on 13th November, 2017, before the appropriate Bench as per the roster.(Chetan Kumar)
Court Master(H.S. Parasher)
Assistant Registrar

ITEM NO.42

COURT NO.1

SECTION II-C

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.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI

Respondent(s)

Date : 13-11-2017 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. Pawanshree Agarwal, Adv. (A.C.)

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. E. C. Agrawala, AOR

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

For Respondent(s) Mr. Rana Mukerjee, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Ms. Daisy Hannah, Adv.
Ms. Kasturika Kaumudi, Adv.
Ms. Sreoshi chatterjee, Adv.
Mr. B. V. Balaram Das, AOR

Ms. Liz Mathew, Adv.
Mr. Akarsh Bhalla, Adv.
Faheem Nisar Shah, Adv.

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

Mr. Kaustubh Anshuraj, Adv.

Mr. Ajay Jain, Adv.

Mr. Jinendra Jain, Adv.

Mr. I.C. Jain, Adv.

Mr. R.S. Garg, Adv.

Mr. Shekhar Raj Sharma, Adv.

Ms. Aruna Singh, Adv.

Mr. Brijesh Yadav, Adv.

Mr. Abhishek Jain, Adv.

Mr. Anukul Raj, Adv.

Mr. Shantanu Krishna, Adv.

Ms. Nikita Raj, Adv.

Ms. Vanshaja Shukla, Adv.

Mr. Parmanand Yadav, Adv.

Ms. Vibha Mahajan, Adv.

Ms. Upasana Nath, Adv.

Mr. Partha Sil, Adv.

Mr. Tavish B. Prasad, Adv.

Ms. Shobha, Adv.

Ms. Rekha Pandey, Adv.

Mr. Varun K. Chopra, Adv.

Ms. Awasthi M.R., Adv.

Ms. Kirti R. Mishra, Adv.

Ms. Apurva Upmanyu, Adv.

Mr. Ashok Mathur, Adv.

Mr. Dwaipayan Banerjee, Adv.

Ms. V. Mohana, Adv.

Mr. B. Ragunath, Adv.

A. Vasantha Kumar, Adv.

Mr. Sriram P., Adv.

Ms. Rashmi Nanda Kumar, Adv.

Mr. Nitin Singh, Adv.

Mr. Pahlad Singh Sharma, Adv.

Mr. Khowaja Siddiqui, Adv.

Mr. Ashwini Kumar, Adv.

Mr. Praveen Agarwal, Adv.

Mr. Akshat Agarwal, Adv.

Mr. Prateek gupta, Adv.
Mr. R. Satish, 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.

Mr. Ashwarya Singh, Adv.
Ms. Priyanka Sinha, Adv.
Ms. Ajita Tandon, Adv.

Mr. Varun K. Chopra, Adv.
Mr. Kamal Singh, Adv.

Mr. Hari Haran, Adv.

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

Heard Mr. Pawanshree Agarwal, learned Amicus Curiae,
appointed by this Court.

Mr. Agarwal, is permitted to operate the web-portal
till end of December, 2017. He is also permitted to open the
web-portal for fixed deposits. The web-portal which is
functional is www.fd.amicusunitech.in.

List the matter on 20th November, 2017.

The sum of Rs.5,00,00,000/- (Rupees five crores
only) deposited by the petitioner in compliance of Court's
order dated 1st September, 2017, 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.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

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 (Crl.)No(s).5978-5979/2017

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

SANJAY CHANDRA & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI

Respondent(s)

([NAME OF THE ADVOCATE MR. PAWAN SHREE AGARWAL (A.C.) MAY BE SHOWN] FOR ADMISSION and I.R. and IA No.73474/2017-APPLICATION FOR EXEMPTION FROM FILING CERTIFIED 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

- 2 -

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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 and IA
No. 107191/2017-INTERVENTION/IMPLEADMENT 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 and IA
No. 110495/2017-CLARIFICATION/DIRECTION and IA
No. 110529/2017-INTERVENTION APPLICATION and IA
No. 112057/2017-INTERVENTION APPLICATION and IA
No. 112299/2017-INTERVENTION APPLICATION and IA
No. 112302/2017-INTERVENTION APPLICATION and IA
No. 115336/2017-CLARIFICATION/DIRECTION and IA
No. 115553/2017-INTERVENTION APPLICATION and IA
No. 118696/2017-INTERVENTION APPLICATION and IA
No. 118816/2017-INTERVENTION APPLICATION and IA

- 4 -

No.118820/2017-INTERVENTION APPLICATION and IA
 No.121640/2017-INTERVENTION APPLICATION and IA
 No.121642/2017-CLARIFICATION/DIRECTION and IA
 No.122293/2017-INTERVENTION/IMPLEADMENT and IA
 No.122885/2017-INTERVENTION/IMPLEADMENT and IA
 No.123118/2017-INTERVENTION/IMPLEADMENT and IA
 No.123121/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
 No.123125/2017-INTERVENTION/IMPLEADMENT and IA
 No.123132/2017-CLARIFICATION/DIRECTION)

Date : 20-11-2017 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.)
 Mr. Varun K. Chopra, Adv.

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.
 Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rajiv Nanda, Adv.
 Mr. Subhash Chandra, Adv.
 Mr. Prashant Kumar, 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. Brijesh Yadav, Adv.
 Ms. Aruna Singh, Adv.
 Ms. Aishwarya Laxmi, Adv.
 Mr. Abhishek Jain, Adv.
 Mr. R.S. Garg, Adv.

Ms. Rashmi Nandakumar, Adv.

- 5 -

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

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

Ms. Shobha, 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 Prasad Yadav, Adv.
Mr. Yadav Narendra Singh, Adv.

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

Mr. Hari Haran, Adv.

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

- 6 -

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.

Mr. Somiran Sharma, Adv.
Mr. Amit Kumar, Adv.

Ms. C. Chandrashekhar, Adv., Adv.
Mr. Awanish Kumar, Adv.

Mr. Saurabh Jain, Adv.

Mr. P.K. Jain, Adv.

Mr. Akshat Agarwal, Adv.
Mr. Prateek Gupta, Adv.

- 7 -

Mr. Aneesh Mittal, Adv.
Mr. Varun Chopra, Adv.

Mr. Neeraj K. Gupta, Adv. [AOR]
Mr. Anil Kumar, Adv.
Mr. Nitin Singh, Adv.
Mr. Anjani Kumar, Adv.
Mr. Ranjeet Kumar singh, Adv.

Mr. Abhinav Shrivastava, Adv. [AOR]
Mr. R.P. Singh, Adv.
Ms. Priyanka Garg, Adv.

Mr. Kaushik Chaudhury, Adv.
Mr. Ayush Sharma, Adv.
Mr. Siddharth Jain, Adv.
Mr. T.N. Durga Prasad, Adv.

Mr. Sanchar Anand, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Devendra Singh, Adv.

Mr. Faheem Shah, Adv.
Mr. Kshitij Kumar, Adv.
Mr. Vaibhav Suri, Adv.
Ms. Liz Mathew, Adv.

Mr. Rajesh Srivastava, Adv.
Mr. Varun Chauhan, Adv.
Mr. Kunal Soni, Adv.
Ms. Suresh Kumari, Adv.
Ms. Divya Mishra, Adv.

Mr. Shantanu Sagar, Adv.
Mr. Prabhat Ranjan Raj, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.

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

I.A.No.115336/2017

Having heard learned counsel for the parties, it is directed that jail authorities shall provide adequate time to the petitioners to have the negotiation so that the properties can be sold and money can be deposited.

Be it noted, vide our order dated 30th October 2017 we had directed that no coercive steps will be taken for executing the

orders passed in respect of the petitioners. Needless to say, when we say 'no coercive steps for execution', all the forums are bound by it. Ordered accordingly.

As far as further prayers in the I.A. are concerned, the same shall be considered in the second week of January 2018 when the main matter has already been directed to be listed.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar

ITEM NO.31

COURT NO.1

SECTION II-C

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 (Crl.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

Date : 05-03-2018 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. Pawanshree Agrawal, AOR (A.C.)
Mr. Varun K. Chopra, Adv.

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjeet Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B. V. Balaram Das, AOR

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

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

Mr. Faheem Shah, Adv.
Mr. Ishan Shivakumar, Adv.
Ms. Liz Mathew, Adv,

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

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

Mr. Viraj Dattar, Adv.
Ms. Snehil Sonam, Adv.

Ms. Rashi Bansal, Adv.

Mr. Partha Sil, Adv.
Mr. Tavish B. Prasad, Adv.

Mr. Gaurav Pachnanda, Sr. Adv.

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

Ms. Rashmi Nanda Kumar, Adv.

Tara V. Ganju, Adv.

Mr. Ashwarya Sinha, Adv.

Ms. Shivani Lahoti, Adv.
Mr. Himanshu Shukla, Adv.

Mr. T.N. Singh, Adv.
Mr. Vikas K. Singh, Adv.
Mr. Sanjay K. Singh, Adv.

Mr. Devendra Singh, Adv.
Mr. Anant K. Vatsya, Adv.

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

Mr. B. Ragunath, Adv.
Mr. A. Arockiaraj, Adv.
Mr. Sriram P., Adv.

Mr. Deepak Tyagi, Adv.
Mr. K.K. Gautam, Adv.
Mr. R.P. Goyal, Adv.

Mr. Yadav Narendra Singh, Adv.
Mr. Gaurav Jain, Adv.

Mr. S.S. Ray, Adv.
Mr. Amitabh Chaturbedi, Adv.
Mr. Vaibhav Gulia, Adv.
Mrs. Rakhi Ray, Adv.

Mr. Gyanendra Kumar, Adv.
Ms. Vanshika Mohta, Adv.
M/s. Cyril Amarchand Mangaldas

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

Mr. Gopal Jha, Adv.
Mr. N.K. Sharma, Adv.
Mr. Chandan Kr. Mandal, Adv.

Mr. Umang Shankar, Adv.
Mr. Jalaj Agarwal, Adv.
Mr. Rahul Chaudhary, Adv.

Mr. Awanish Kumar, Adv.

Mr. Anand Bhushan, Adv.

Khomeja Siddiqui, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Arup Sinha, Adv.
Mr. Puneet Kumar, Adv.
Mr. Raghav Kakar, Adv.
Mr. Divyesh Pratap Singh, Adv.

Mr. Shantanu Sagar, Adv.
Mr. Amit Dhaka, Adv.
Apoorva Malik, Adv.

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, Adv.
Ms. Aastha Chopra, Adv.
Mr. Pranay Jain, Adv.
Mr. Ajay Singh, Adv.
Mr. Brijesh Yadav, Adv.
Mr. Chirag Aneja, Adv.

Mr. V. Balachandran, Adv.
Mr. Siuddharth Naidu, Adv.
M/s. KSN & Co.

Mr. Aneesh Mittal, Adv.

Mr. Balaji Srinivasan, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Abhishek Bharti, Adv.

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Rahat Sharma, Adv.

Mr. P.K. Jain, Adv.
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P. Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.
Mr. Uday Prakash Yadav, Adv.
Mrs. Anuradha Soni Verma, Adv.
Mr. Shryansh Aggarwal, Adv.
Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Kaustubh Anshu Raj, Adv.

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

Cr1.M.P. No.28871/2018

This is an application for impleadment made on behalf of the Pioneer Urban Land and Infrastructure Limited and Others.

We have heard Mr. C.A. Sundaram, learned senior counsel along with Mr. Nikhil Nayyar, learned counsel for the applicants. The prayer for impleadment stands allowed.

Cr1.M.P. No.29029/2018

It is submitted by Mr. Sundaram, learned senior counsel that the execution proceedings are going on against the applicants before the National Consumer Disputes Redressal Commission, New Delhi (for short, 'the National Commission'). The said proceedings shall be stayed, subject to the applicants depositing a sum of Rs.40,00,00,000/- (Rupees forty crores only) before the Registry of this Court. A sum of Rs.30,00,00,000/- (Rupees thirty crores only) be deposited by 30th March, 2018, and the balance Rs.10,00,00,000/- (Rupees ten crores only) be deposited by 5th April, 2018. Be it noted, the said amount shall be distributed amongst the home buyers, who have claimed refund in respect of the concerned project before the National Commission.

We may clarify that the proceedings shall remain stayed where there is collaboration of the applicants with the Unitech Limited. The other proceedings against the applicants barring which is not covered by the collaboration agreement, shall continue.

Mr. Nikhil Nayyar, learned counsel appearing for the applicants shall provide a list of the names of the applicants, who have approached the National Commission seeking relief, to Mr. Pawanshree Agarwal so that the learned Amicus Curiae can tally the same with his portal.

Let the matter be listed on 12th March, 2018, on which date the Managing Director of J.M. Financial Limited, along with his competent officers, who will be able to answer the questions put by the Court, shall remain personally present before this Court.

In the meantime, the competent authority of the Unitech Limited shall file an affidavit mentioning the details of its properties and its subsidiaries, situate in India as well as outside, which are free from encumbrances. If the affidavit is not true, the proceedings shall be initiated under Section 340 of the Cr.P.C.

Call on the date fixed.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.832

COURT NO.1

SECTION II-C

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 for Special Leave to Appeal (CrI.) Nos. 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.

Petitioners

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondents

Date : 06-03-2018 This matter was MENTIONED today.

CORAM :

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

For Petitioners

Mr. Pawanshree Agrawal, AOR
Mr. E. C. Agrawala, AOR

For Respondents/
Applicants

Mr. B.V. Balaram Das, AOR

Mr. Robin R. David, Adv.
Mr. Chitranshula Sinha, Adv.
Ms. Sonali Khanna, Adv.
Mr. A. Dhingra, Adv.
for M/s. Dua Associates

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

On mentioning, the matter is taken on Board.

It is submitted by Mr. Robin R. David, learned counsel for the applicants in CrI.M.P. No. 130015/2017 that in the last para at page 5 of the order dated 5.3.2018, the name of company mentioned is - "J.M. Financial Limited", whereas, it should be "J.M. Financial Asset Reconstruction Company Ltd.". The said

position is accepted by Mr. Pawanshree Agrawal, learned Amicus Curiae.

In view of the aforesaid, it is directed that the Managing Director of J.M. Financial Asset Reconstruction Company Ltd., alongwith his competent officer(s), shall remain personally present before this Court on the date fixed.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.30

COURT NO.1

SECTION II-C

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 (Crl.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

Date : 12-03-2018 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. Pawanshree Agrawal, AOR

For Petitioner(s)

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

For Respondent(s)

Mr. B. V. Balaram Das, AOR

Mr. C.A. Sundaram, Sr. Adv.
Mr. Nikhil Nayyar, Adv.
Ms. Pritha Srikumar Iyer, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. Amit Dhaka, Adv.
Mr. Shantanu Sagar, Adv.
Mr. Prabhat Ranjan Raj, Adv.

Mr. Avinash Sharma, Adv.

Mr. Ashwini Kumar, Adv.
Mr. Praveen Aggarwal, Adv.

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

Mr. Gaurav Pachnanda, Sr. Adv.

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

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

Mr. B. Ragunath, Adv.
Mr. Shivam P., Adv.

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
M/s. Cyril Amarchand Mangaldas

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

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

Ms. Shobha, Adv.
Mr. Satyam Jyoti Saikia, Adv.

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

Mr. Deepak Tyagi, Adv.
Mr. R.P. Goyal, Adv.

Mr. Rashi Bansal, Adv.

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

Mr. Nalin Kohli, Adv.
Ms. Nimisha Menon, Adv.
Mr. Ankit Roy, Adv.
Mr. Indrajeet Singh, Adv.

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Rabin R. David, Adv.
Mr. Chitranshul A. Sinha, Adv.
Mr. Munawar Naseem, Adv.
Ms. Sonali Khanna, Adv.
M/s. Dua Associates

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

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

Mr. M.L. Lahoty, Adv.
Mr. Paban Kumar Sharma, Adv.
Mr. Anchit Sripath, Adv.
Mr. Jamnesh Kumar, Adv.
Mr. Himanshu Shekhar, Adv.

Mr. Kaustubh Anshuraj, Adv.

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

Mr. Balaji Srinivasan, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Mr. Abhishek Bharti, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Arunava Mukherjee, Adv.

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

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

Mr. P.K. Jain, Adv.
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P. Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.
Mr. Uday Prakash Yadav, Adv.
Mrs. Anuradha Soni Verma, Adv.
Mr. Shryansh Aggarwal, Adv.

Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Kaushik Choudhury, Adv.
Mr. D.N. Durga Prasad, Adv.
Mr. Ayush Sharma, Adv.

Mr. Ashwini Kumar Jha, Adv.
Mr. Divyesh Pratap Singh, Adv.

Mr. Gopal Shankaranarayanan, Adv.
Mr. Chandrashekhara Chakalabbi, Adv.
Mr. Ruchit Duggai, Adv.
Mr. Anshul Rai, Adv.
Mr. S.K. Pandey, Adv.

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

Mr. Satyendra Kumar, Adv.
Mr. Gaurav Goel, Adv.

Mr. Viraj Datar, Adv.
Ms. Snehil Sonam, Adv.

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

Mr. Anil Bhatia, the Managing Director of J.M. Financial Assets Reconstruction Company Limited, in pursuance of our earlier order, is present in the Court.

We have heard Mr. Guru Krishna Kumar, learned senior counsel on behalf of the said intervenor. We do not find merit in the said application and it is, accordingly, dismissed with the costs of Rs.25,00,000/- (Rupees twenty-five lacs only). The same shall be deposited before the Registry of this Court within two weeks hence, failing which proceeding for contempt shall be initiated against Mr. Anil Bhatia.

Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners submits that the list with regard to unencumbered properties is under preparation and the list prepared as on today, shall be filed supported by the requisite affidavit within two days hence. We have called for the list of unencumbered assets so that the Court can proceed for the auction of the same to realize the amount to be paid to the home buyers.

As indicated earlier, if the affidavit is found to be false, the deponent of the affidavit shall be proceeded under Section 340 Cr.P.C.

Let the matter be listed on 26th March, 2018.

It is directed that the petitioners shall not encumber any asset and also their personal assets because, if necessary, the personal assets shall also be auctioned.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

ITEM NO.47

COURT NO.1

SECTION II-C

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 (CrI.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/direction, intervention, permission to appear and argue in person, direction, permission to file SLP without certified/plain copy of the impugned order, permission to place on record subsequent facts and seeking custody certificate)

Date : 26-03-2018 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. Pawanshree Agrawal, AOR
Mr. Varun K. Chopra, Adv.

For Petitioner(s) Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Ms. Pinky Anand, ASG
Ms. Binu Tamta, Adv.
Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Roopansh Purohit, AOR

Mr. Nikhil Nayyar, AOR

Mr. N. Sai Vinod, Adv.

Mr. Dhananjay baijal, Adv.

Ms. Smriti Shah, Adv.

Mr. Divyanshu Rai, Adv.

Mr. Balaji Srinivasan, AOR

Ms. Mridula Ray Bharadwaj, AOR

Dr. Sumant Bharadwaj, Adv.

Mr. S.S. Ray, Adv.

Mr. Amitabh Chaturbedi, Adv.

Mr. Vaibhav Gulia, Adv.

Ms. Rakhi Ray, Adv.

Ms. Kirti R. Mishra, Adv.

Ms. Apurva Upmanyu, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Anand Sanjay M. Nulli, Adv.

Mr. Nanda Kumar K.B., Adv.

Mr. Saket Gogia, Adv.

Mr. Suraj Kaushik, Adv.

Mr. Khowaja Siddiqui, Adv.

Mr. Ashwini Kumar, Adv.

Mr. Arup Sinha, Adv.

Mr. Ishan Sanghi, Adv.

Mr. Himanshu Upadhyay, Adv.

Mr. Shivam Tripathi, Adv.

Mr. Gopal Shankaranarayanan, Adv.

Mr. Awanish Kumar, Adv.

Mr. S.K. Pady, Adv.

Mr. Chandrashekhar, Adv.

Mr. Anshul Rai, Adv.

Mr. Rachit Daggur, Adv.

Ms. Rashi Bansal, Adv.

Ms. Vibha Mahajan, Adv.

Ms. Upasana Natha, Adv.

Ms. Vanshaja Shukla, Adv.

Mr. Paramanand Yadav, Adv.

Mr. B. Ragunath, Adv.
Mr. A. Arocikiarj, Adv.
Mr. Sriram P., Adv.

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.

Mr. N. Prabhakar, Adv.
Mr. Gopal Jha, Adv.
Mr. Ashutosh Nath, Adv.
Mr. N.K. Sharma, Adv.
Mr. Manjeet Jha, Adv.

Mr. Shankar Narayanan, Adv.
Ms. Rashmi Nanda Kumar, Adv.

Mr. Sangam Lal Pandey, Adv.
Ms. Vandana, Adv.

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

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.
Mr. Himanshu Yadav, Adv.

Mr. Ajay Jain, Adv.
Mr. Jindendra Jain, Adv.
Ms. Aastha Chopra, Adv.
Mr. Brijesh yadav, Adv.
Mr. Pranay Jain, Adv.

Mr. Kaustubh Anshuraj, Adv.
Mr. Nalin Kohli, Adv.

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

Mr. Aneesh Mittal, Adv.

Mr. Sanjay Parkata, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Rahat Sharma, Adv.

Mr. P.K. Jain, Adv.
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P. Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.

Mr. Uday Prakash Yadav, Adv.
Mrs. Anuradha Soni Verma, Adv.
Mr. Shryansh Aggarwal, Adv.
Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Karakshi S. Mehual, Adv.
Mr. Abhik Kumar, Adv.

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

List the matter on 9th April, 2018.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

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;

- 2 -

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;

- 3 -

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;

- 4 -

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;

- 5 -

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.

- 7 -

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.

- 8 -

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.

- 9 -

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]

- 10 -

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, Adv.

- 11 -

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

- 12 -

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.

- 13 -

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

- 14 -

(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

- 15 -

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

ITEM NO.5

COURT NO.1

SECTION II-C

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 (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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

IA Nos.

73472/2017,73474/2017,86305/2017,87309/2017,87314/2017,89941/2017,90004/2017,90008/2017,90011/2017,90014/2017,90019/2017,90023/2017,90395/2017,90400/2017,90575/2017,90581/2017,90659/2017,90697/2017,90743/2017,90747/2017,90799/2017,90823/2017,90881/2017,90999/2017,91001/2017,91041/2017,91242/2017,91502/2017,91653/2017,91658/2017,91667/2017,91672/2017,91692/2017,91730/2017,91737/2017,91743/2017,91751/2017,91915/2017,91918/2017,91929/2017,91934/2017,91960/2017,91988/2017,92123/2017,93209/2017,94872/2017,95331/2017,95334/2017,95374/2017,95378/2017,98385/2017,98390/2017,98587/2017,98660/2017,99968/2017,100788/2017,101725/2017,101728/2017,103667/2017,103791/2017,103799/2017,104384/2017,105185/2017,105189/2017,105291/2017,105437/2017,105588/2017,105601/2017,105616/2017,105632/2017,105646/2017,105657/2017,105668/2017,105675/2017,106004/2017,106067/2017,106074/2017,106077/2017,106080/2017,106313/2017,106316/2017,106462/2017,106467/2017,106473/2017,107191/2017,107196/2017,107233/2017,107239/2017,107245/2017,107464/2017,108587/2017,108822/2017,108851/2017,109169/2017,109671/2017,109954/2017,110321/2017,110327/2017,110460/2017,110469/2017,110474/2017,110480/2017,110486/2017,110495/2017,110529/2017,112057/2017,112299/2017,112302/2017,115336/2017,115553/2017,118696/2017,118816/2017,118820/2017,121640/2017,121642/2017,122293/2017,122885/2017,123118/2017,123121/2017,123125/2017,123132/2017,128729/2017,128733/2017,128737/2017,129762/2017,129768/2017,133342/2017,135533/2017,135534/2017,137520/2017,137522/2017,137526/2017,137527/2017,137531/2017,137532/2017,137538/2017,137540/2017,137544/2017,137547/2017,138307/2017,138358/2017,138367/2017,138368/2017,138372/2017,138388/2017,139531/2017,139538/2017,139563/2017,139640/2017,139860/2017,139971/2017,140009/2017,141166/2017,141261/2017,141461/2017,368/2018,373/2018,657/2018,814/2018,3435/2018,4267/2018,4504/2018,4540/2018,4543/2018,7259/2018,9367/2018,11441/2018,12896/2018,13046/2018,13047/2018,13348/2018,13745/2018,15024/2018,15342/2018,18089/2018,18092/2018,18095/2018,18103/2018,20867/2018,21057/2018,22112/2018,22801/2018,23251/2018,23380/2018,23533/2018,23580/2018,23734/2018,23736/2018,23739/2018,23751/2018,23754/2018,23839/2018,23875/2018,23876/2018,26582/2018,28595/2018,29029/2018,32222/2018,32223/2018,32565/2018,38156/2018,41514/2018,43090/2018,43789/2018,45689/2018,46033/2018,46040/2018,46255/2018,46262/2018,48917/2018,49450/2018,49644/2018,51222/2018,51226/2018,51232/2018,51259/2018,51293/2018,51294/2018

018,51299/2018,51346/2018,51490/2018,54138/2018)

Date : 02-05-2018 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

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Mr.Mahesh Agarwal, Adv.
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Mr.Joseph Anthony, Adv.

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Ms.Nidhi Jain, Adv.
Mr.Rameshwar Prasad Goyal, Adv.

Mr.Sanjay Parikh, Adv.
Mr.Pukhrambam Ramesh Kumar, Adv.
Mr.Ritwick Parikh, Adv.
Mr.Abhinav Lillothia, Adv.
Ms.Sanjana, Adv.

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

Mr.Nalin Kohli, Adv.
Ms.Nimisha Menon, Adv.
Mr.Ankit Roy, Adv.
Mr.K.Anshuraj, Adv.

Ms.Medhya Ahluwalia, Adv.

Mr.Roopansh Purohit, Adv.

Mr.Ravindra Bana, Adv.

Mr.Omprakash Ajit Singh Parihar, Adv.
Mr.Abhijeet Shah, Adv.

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Ms.Vaishnavi Subrahmanyam, Adv.
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Mr.Sourav Roy, Adv.

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Mr.Praveen Agrawal, Adv.

Mr.Saurabh Jain, Adv.

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Mr.Ajay Jain, Adv.
Mr.Jinendra Jain, Adv.
Mr.Pranay Jain, Adv.
Mr.Brijesh Yadav, Adv.
Ms.Aastha Chopra, Adv.
Mr.Ajay Singh, Adv.

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Mr.Jay Kishore Singh, Adv.

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Mr.Gaurav Sharma, Adv.

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Mr.Ruchit Dugger, Adv.

Mr.B.Ragunath, Adv.
Mr.Sriram P., Adv.

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Mr.Dharm Singh, Adv.
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Mr.Sidharth Mahajan, Adv.
Mr.Maneesh Pathak, Adv.

Ms.Rashi Bansal, Adv.

Mr.Neeraj Kumar, Adv.

Mr.Amit Pawan, Adv.
Mr.Abhishek Amritanshu, Adv.
Mr.Hassan Zubair Waris, Adv.
Mr.Akshat Srivastava, Adv.
Mr.Rohit Rajershi, Adv.
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Mr.A.Tewari, Adv.
Ms.Eliza Bar, Adv.
Mr.S.P.Singh, Adv.

Ms.Rashmi Nandakumar, Adv.

Mr.Aneesh Mittal, Adv.
Mr.Ayush Sharma, Adv.

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

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

Dr.Aman Hingorani, Adv.
Ms.Priya Hingorani, Adv.
For Hingorani & Associates, AOR

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

It is submitted by Mr.Sanjay Parikh, learned counsel appearing on behalf of some of the intervenors that Rs.38 crores, that has been disbursed, is restricted to persons who have filed civil appeals whereas the home buyers, who have instituted execution proceedings, have been left out. The same position is not disputed by Mr.Pawanshree Agrawal, learned amicus curiae.

Keeping the aforesaid submission in view, it is directed that on the next occasion, when the amount shall be disbursed on pro rata basis, the same shall not be restricted to the persons who are respondents in the civil appeals but also include the persons who are on the portal, and have preferred execution proceedings or obtained orders from NCDRC or any other forum and that have not been appealed against.

The auction in respect of the properties, list of which has been given to the learned amicus, and are supposed to be unencumbered properties, shall proceed as per procedure. After the notice period gets expired, the said properties shall be auctioned.

In the meantime, the petitioner shall file a list of encumbered properties and the extent of encumbrance therein so that this Court can take appropriate steps against the company and its subsidiary companies.

In addition to the aforesaid, the Directors of all the companies, namely, UNITECH and all the subsidiary companies, shall file a list of their personal properties before this Court so that in case the amount obtained does not meet the requirement, this

Court may direct for sale of the personal properties of the Directors.

The Directors or any of their agent or Power of Attorney holder or any assignee of the Directors shall not create any third party right or alienate the property, failing which they shall face contempt of this Court.

In respect of amount of Rs.40 crores, that has been deposited by Pioneer Urban Land and Infrastructure Limited, Mr. Pawanshree Agrawal, learned amicus shall identify the persons who are entitled to get the refund for the projects for which the said company has a liability as a land owner. The same shall be disbursed on pro rata basis after getting the list from the learned amicus curiae.

All intervention applications shall be considered on the next date of hearing.

Call on 14.05.2018.

(Chetan Kumar)
Court Master

(H.S.Parasher)
Assistant Registrar

ITEM NO.16

COURT NO.1

SECTION II-C

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 (Crl.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/direction, intervention, permission to appear and argue in person, permission to file appln. for direction, permission to file SLP without certified/plain copy of the impugned order, permission to place on record subsequent facts and seeking custody certificate)

Date : 14-05-2018 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. Pawanshree Agrawal, Adv. (A.C.)
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Mr. Gaurav Bhatia, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
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Ms. Aarti Kumar, Adv.
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Mr. Vijay Nair, Adv.
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Mr. Jay Kishor Singh, Adv.

Mr. Manoj Prasad, Sr. Adv.
Mr. Ashutosh Dubey, Adv.

Mr. Mahabir Singh, Sr. Adv.
Mr. Vikas Deep Jain, Adv.
Ms. Nidhi Jain, Adv.
Mr. Mahesh Babu, Adv.

Mr. P.K. Jain, Adv.
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P. Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.
Mr. Uday Prakash Yadav, Adv.
Mrs. Anuradha Soni Verma, Adv.
Mr. Shryansh Aggarwal, Adv.
Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Mr. Ritwick Parikh, Adv.

Ms. Sanjan, Adv.

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, Adv.
Mr. Rakesh Kailash Sharma, Adv.
Ms. Namrata Srivastava, Adv.
Mr. Dhiraj Kumar Agrawal, Adv.

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

Mr. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi, Adv.
Ms. Aakanksha Nehra, Adv.

Mr. Rajiv K. Virmani, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. Atul Malhtora, Adv.

Mr. Sangam Lal Pande, Adv.

Mr. Balaji Srinivasan, Adv.
Mr. Pallavi Sengupta, Adv.

Mr. Sachin Jain, Adv.
Dr. Kailash Chand, Adv.

Ms. Aishwarya Bhati, Adv.

Ms. Tara V. Ganju, Adv.
Mr. Rahul Jaryal, Adv.

Mr. Satyendra Kumar, Adv.
Mr. Gaurav Goel, Adv.

Mr. Ishan Sanghi, Adv.

Ms. Liz Mathew, Adv.
Ms. Jaya Shahi, Adv.

Mr. Vivek Narayan Sharma, Adv.
Mr. Ruchit Dugar, Adv.
Mr. Sidharth Mahajan, Adv.
Mr. Shubham Awasthi, Adv.
Mr. Akash Sharma, Adv.

Mr. Neeraj Kumar, Adv.

Mr. Anand Sanjay M. Mulik, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.

Mr. Nanda Kumar K.B., Adv.

Mr. Anukul Raj, Adv.
Ms. Nikita Raj, Adv.

Ms. Rashi Bansal, Adv.

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
M/s. Cyril Amarchand Mangaldas

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

Ms. Madhvi Kumar Sawat, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Meenakshi Chowhan, Adv.

Mr. Dhruv Agrawal, Sr. Adv.
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Mr. Omprakash Parihar, Adv.

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

Ms. Priyadarshil Chetan, Adv.
Mr. Chandan Kumar Mandal, Adv.
Ms. Sujata Kurdukar, Adv.

Mr. Kaushik Chaudhary, Adv.
Deepanshu Jain, Adv.
Mr. Shantanu Jain, Adv.

Ms. Shilpa Mohan, Adv.
Mr. Jitender Chaudhary, Adv.

Mr. R. Satish, Adv.
Mr. Akshat Agarwal, Adv.
Mr. Prateek Gupta, Adv.

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Mr. Jinendra Jain, Adv.

Mr. Umang Shankar, Adv.
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Mr. Mohit Kumar Singh, Adv.

Mr. Vijay Sharma, Adv.
Mr. Aditya Sinha, Adv.
Mr. Krishna Yadav, Adv.
Mr. Anil, Adv.
Mr. Narendra Singh Yadav, Adv.

Mr. Krishna Kumar Singh, Adv.
Mr. Narendra Prasad, Adv.

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Mr. Himanshu Shekhar, Adv.
Mr. Sajjan Poovayya, Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Mr. Joseph Anthony, Adv.

Mr. Aneesh Mittal, Adv.
Shreja Sharma, Adv.

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

In pursuance of our order dated 2nd May, 2018, an affidavit has been filed by Mr. Ajay Chandra, which really does not reflect the properties owned by him. It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners that in the subsidiary companies, the employees are the Directors and they should not be held liable in respect of their personal property. The affidavit filed by Shri Ajay Chandra is blissfully vague and the same shall be addressed on a later date.

In the course of hearing, we have been apprised by Mr. Ranjit Kumar, learned senior counsel being assisted by

Mr. Abhinav Agrawal, learned counsel and other learned senior counsel appearing for the petitioners that at present more than 600 acres of land which are unencumbered are available for auction.

Mr. Pawanshree Agarwal, learned Amicus Curiae has already issued a public notice for inviting objections in respect of approximately 230 acres. The list of 400 acres of land which is situated in the State of Tamil Nadu, shall be provided by Mr. Abhinav Agrawal to Mr. Pawanshree Agarwal by tomorrow (15.05.2018).

Learned counsel for the parties and the learned Amicus Curiae have suggested that a Committee headed by a retired Judge of a High Court should be constituted for carrying out the auction of the unencumbered immovable properties.

In view of the aforesaid, we constitute a Committee headed by Justice S.N. Dhingra, former Judge of the High Court of Delhi. Justice S.N. Dhingra would be at liberty to nominate a Chartered Accountant and a valuer accredited with the Delhi High Court or this Court. Justice S.N. Dhingra shall formulate suitable terms and conditions for auction of the above properties on as-is-where is basis to be notified in the newspapers. The Committee shall be assisted by Mr. Pawanshree Agarwal, who is a friend of the Court in this

case and and Mr. Abhinav Agrawal, learned counsel assisting Mr. Ranjit Kumar, learned senior counsel for the petitioners. The purpose of nominating of two counsel is that the Committee can function smoothly. We request Justice S.N. Dhingra to proceed with the auction as expeditiously as possible, as the home buyers are waiting with concern to get their money refunded. The auction shall be subject to confirmation by this Court. The expenditure incurred by the Committee, including the fees, shall be met from the accrued interest, as is being suggested by Mr. Pawanshree Agarwal, learned Amicus Curiae.

At this juncture, we may also note another aspect. There are some home buyers who want to take possession of the flats. This Court vide order dated 29th January, 2018, had directed that the flats can be handed over on "as is where is basis". The home buyers are at liberty to seek the benefit of the said order.

Mr. Pawanshree Agarwal has brought to our notice that Rs.40,00,00,000/- (Rupees forty crores only) was deposited by Pioneer Urban Land & Infrastructure Limited, which has taken up certain projects in joint venture with the Unitech Ltd. It is submitted by Mr. Agarwal that the said amount can be disbursed in respect of five projects, namely, (i) The Close (South) - Gurgaon, (ii) South City II Floors - Gurgaon (iii) Escape - Gurgaon (iv) Fresco -Gurgaon and (v)

Harmony -Gurgaon. The said submission is opposed by Mr. C.A. Sundaram, learned senior counsel appearing for Pioneer Urban Land & Infrastructure Limited on the ground that it has only a 40% liability in respect of the projects.

It has been canvassed at the Bar that there are various categories of home buyers i.e. (i) the consumers who have got orders in their favour from the National Consumer Disputes Redressal Commission, (ii) the parties who have proceeded for execution after the orders of the National Commission, (iii) the parties who have approached the National Commission or the State Commission and there is no dispute over their principal amount, and (iv) home buyers who have not approached any forum as yet. It may be stated here that the learned Amicus Curiae as per the order of this Court has created a portal in respect of the aforesaid categories. We do not intend to make any distinction amongst the said categories and, accordingly, it is directed that amount be disbursed to the home buyers whose names find place in the portal created by the learned amicus curiae concerning the aforesaid five projects and there has been no cavil over the same by the Pioneer Urban Land & Infrastructure Limited. The list of the names shall be submitted by Mr. Pawanshree Agarwal to the Registry and the amount shall be disbursed on *pro rata* basis. The *pro rata* amount shall be submitted by Mr. Pawanshree Agarwal on the basis of the amount deposited

with the developer and the same shall be restricted to the principal sum and will not take into consideration either interest component or compensation amount awarded by the forum/court for the present.

List the matter on 5th July, 2018.

(Chetan Kumar)
Court Master

(Tapan Kumar Chakraborty)
Court Master

ITEM NO.24

COURT NO.1

SECTION II-C

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 (Crl.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/direction, intervention, permission to appear and argue in-person, permission to file SLP without certified/plain copy of impugned order, permission to place on record subsequent facts, recalling the Court's order and seeking custody certificate)

Date : 05-07-2018 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. Pawanshree Agrawal, AOR (A.C.)
Mr. Varun Kumar Chopra, Adv.

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ansuman Srivastava, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Anroop Chakravarti, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Ms. Pinky Anand, ASG
Mr. Rajesh Kumar, Adv.
Mr. Praveen Gautam, Adv.
Ms. Snidha Mehra, Adv.
Mr. Rupesh Kumar, Adv.

Mrs. Anil Katiyar, Adv.
Ms. Praveena Gautam, Adv.
Mr. B. V. Balaram Das, AOR

Mr. C.A. Sundaram, Sr. Adv.
Mr. Nikhil Nayyar, AOR
Ms. Pritha Srikumar Iyer, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. Sajan Poovayya, Sr. Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Mr. Joseph Anthony, Adv.
Mrs. Hima Lawrence, Adv.

Mrs. Hima Lawrence, AOR

Ms. Rashi Bansal, Adv.
Mr. Roopansh Purohit, Adv.

Mr. Himanshu Sinha, Adv.
Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, Adv.

Mr. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi, Adv.
Ms. Aakanksha Nehra, Adv.
Ms. Shoorya Mittal, Adv.
Ms. Nidhi Mohan Parashar, Adv.

Mr. Avinash Sharma, Adv.
Mrs. Neerja Gupta, Adv.
Mr. Perveaz Athar, Adv.
Dr. Arun Anand, Adv.

Mr. Kaushtubh Anshuraj, Adv.

Mr. Avinash Sharma, Adv.

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

Mr. Om Prakash, Adv.
Mr. Ajit Singh Parihar, Adv.
Mr. Abhijeet Shah, Adv.

Mr. Kirti R. Mishra, Adv.
Apurna Upmanyu, Adv.

Ms. Shobha, Adv.
Mr. Sourav Roy, Adv.

Mr. Prithiv Pal, Adv.
Mr. Nilendra Pratap Singh, Adv.
Ms. Samina, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.
Mr. R.P. Singh, Adv.

Mr. Gopal Shankaranarayanan, Adv.
Mr. Awanish Kumar, Adv.
Mr. Chandrashekhar A.C., Adv.
Mr. R. Duggar, Adv.

Mr. Satyendra Kumar, Adv.
Mr. Gaurav Goel, Adv.

Mr. Sanjeev Sen, Sr. Adv.
Mr. S. Ray, Adv.

Mr. Kaushik Choudhury, Adv.
Mr. Akarsh Garg, Adv.
Mr. Shaantanu Jain, Adv.
Mr. Deepanshu Jain, Adv.

Mr. Abhishek Kaushik, Adv.
Ms. Kanti Jha, Adv.

Tara V. Ganju, Adv.

Simran Ved, Adv.

Mr. Rohit Sharma, Adv.

Mr. Dhurv Agrawal, Sr. Adv.
Mr. Nishit Agrawal, Adv.

Mr. Ishan Sanghi, Adv.

Ms. Filza Moonis, Adv.

Mr. Anant Bhuhan, Adv.

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

Mr. Saurabh Ajay Gupta, Adv.

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

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Suraj Kaushik, Adv.

Mr. Harish Uppal, Adv.
Mr. Mithun, Adv.
Mr. Vikas Mehta, Adv.

Priyadarshil Chetanshi, Adv.
Mr. Chandan Kumar Mandal, Adv.
Ms. Sujata Kurdukar, Adv.

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, Adv.
Ms. Aastha Chopra, Adv.
Mr. Pranay Jain, Adv.
Mr. Brijesh Yadav, Adv.
Mr. Chirag Aneja, Adv.

Mr. Gyandendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
Mr. Cyril Amarchand Mangaldas, Adv.

Mr. Vandit Mishra, Adv.
Ms. Anuradha D. Mishra, Adv.
Ms. Janhvi Sharma, Adv.
Mr. Gaurav Dubey, Adv.

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

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

Mr. Umang Shankar, Av.
Mr. Jalaj Agarwal, Adv.
Mr. Rahul Chaudhary, Adv.

Mr. Ashwini Kumar, Adv.
Mr. Arup Sinha, Adv.
Mr. Praveen Agarwal, Adv.

Ms. Rashmi Nandakumar, Adv.

Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.

Mr. Janmesh Kumar, Adv.

Ms. Vibha Mahajan, Adv.

Ms. Upasana Nath, Adv.

Mr. Rabindra Bana, Adv.

Mr. Anukul Raj, Adv.

Ms. Nikita Raj, Adv.

Mr. Shananu Krishan, Adv.

Mr. Nalin Kohli, Adv.

Ms. Nimisha Menon, Adv.

Mr. Indrajeet Singh, Adv.

Mr. Kaushtab Anshuraj, Adv.

Mr. Ateev Mathur, Adv.

Mr. Amol Sharma, Adv.

Ms. Jagriti Ahuja, Adv.

Mr. Gagan Gupta, Adv.

Mr. Gopal Jha, Adv.

Mr. N.K. Sharma, Adv.

Mr. S.S. Ray, Adv.

Mr. Amitabh Chaturbedi, Adv.

Mr. Vaibhav Gupta, Adv.

Ms. Rakhi Ray, Adv.

Mr. Praveen Kumar Aggarwal, Adv.

Mr. Sanjay Jain, Adv.

Ms. Madhvi Kumar Sawat, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Mr. Neeraj Kumar, Adv.

Mr. Aman Hingorani, Adv.

Ms. Priya Hingorani, Adv.

Mr. Himanshu Yadav, Adv.

Ms. Meenakshi Arora, Sr. Adv.

Mr. Shashibhushan P. Adgaonkar, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. Aneesh Mittal, Adv.

Mr. Shreya Sharma, Adv.

Mr. Rajiv Nanda, Adv.

Mr. T.A. Khan, Adv.

Mr. B.V. Balram Das, Adv.

Mr. Chandrasekhar Panda, Adv.
Ms. M.K. Aswathi, Adv.

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

Mr. Dhiraj Kumar Agrawal, Adv.
Mr. Rakesh Kailash Sharma, Adv.
Ms. Namrata Srivastava, Adv.
Mr. Rinchen Wangmo, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

Ms. Shilpa Chohan, Adv.
Mr. Jitender Chaudhary, Adv.

Mr. Balaji Srinivasan, Adv.
Ms. Pratiksha Mishra, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Ms. Pallavi Sengupta, Adv.
Ms. Garima Jain, Adv.

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

Ms. Manjula Gupta, Adv.
Ms. M.D. Panday, Adv.

Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Mr. Ritwick Parikh, Adv.
Ms. Sanjana Srikumar, Adv.

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

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

It is submitted by Mr. Pawanshree Agrawal, learned Amicus Curiae that the Committee has commenced the sitting and scrutinized certain title deeds in respect of the properties situated at Varanasi, Agra and Sriperumbudur. We direct the Committee to proceed for auction in respect of Agra properties within four weeks hence. As far as other clusters of properties at Varanasi and Sriperumbudur are

concerned, the auction shall be held within six weeks.

At this juncture Mr. Ranjit Kumar, learned senior counsel appearing for the petitioner submitted that with regard to the assets of the Unitech Ltd. and other subsidiary companies, a list of encumbered properties shall be filed by 9th July, 2018, after serving a copy of the same on the learned Amicus Curiae, who, in turn, shall hand over a copy of the same to counsel of each of the intervenors. That apart, the details of the personal properties owned by the Directors of the Unitech Limited shall also be provided. We have given a short time taking into consideration the conduct of the company.

In the course of hearing, it has been further submitted by Mr. Ranjit Kumar, learned senior counsel, being assisted by Mr. Abhimanyu Bhandari, learned counsel that some persons who are not entitled for refund are taking refund and some persons who have already been handed over possession, their names have not been deleted from the portal. Learned Amicus Curiae submitted that even if the names of the persons are deleted, the amount will be reduced only by Rs.70 crores. The said position is disputed by Mr. Bhandari. Mr. Pawanshree Agarwal and Mr. Bhandari shall discuss and reconcile the names and the amount.

At this stage, we may note the submission advanced by Mr. Sajan Poovayya, learned senior counsel appearing on behalf of M/s. Devas Global Services LLP. On the last two occasions, the said company was represented and it had expressed its willingness to buy certain properties situate in the Bangalore. It is submitted by Mr. Poovayya that there are three owners, namely, Unitech Limited, Mr. Narekesh Kumar K. and Col. Mohinder Singh Khaira. The amount has also been demarcated. We would like that the note-sheet that has been given to us, be served to the learned Amicus Curiae, who as

also to the members of the Committee, where he can verify the same. However, the same shall be done, subject to deposit of Rs.1 crore before the Registry of this Court by 10th July, 2018, failing which the order shall not be given effect to. If the said company resiles from the commitment for any reason, the said amount shall be forfeited. The Committee shall do the valuation within ten days.

At this stage, we may add that the fees for meeting the expenses of the Committee shall be borne by Unitech Limited, but for the present it shall be disbursed from the interest component, lying before the Registry of this Court so that process is not stalled. However, in the first instance, as submitted by Mr. Ranjit Kumar, Unitech Limited shall deposit a sum of Rs.10 lakhs with the Chairman of the Committee within a week hence.

Keeping in view the grievances urged in the course of hearing, the learned Amicus Curiae is requested to keep the portal alive for two weeks and make a bifurcation with regard to the categories who have got any decree or order from any forum and the persons who have not yet approached any forum.

A submission has been advanced by Mr. C.A. Sundaram, learned senior counsel appearing for the Pioneer Urban Land & Infrastructure Limited that the company is liable for 40% and that will come to Rs.30 crores, but the learned Amicus Curiae is distributing on *pro rata* basis to each one of the total amount of Rs.40 crores that has been deposited. In view of the aforesaid submission, it is directed that the disbursement shall be made by the learned Amicus Curiae, subject to further adjudication of the *lis* between Unitech Limited and the Pioneer Urban Land & Infrastructure Limited.

The Registry is directed to disburse a sum of Rs.7,00,000/- (Rupees seven lakhs only) to the learned Amicus Curiae towards expenses for the present.

The amount which is lying in the deposit before the Registry of this Court, 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.

Let the matter be listed on 16th July, 2018.

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

(H.S. Parasher)
Assistant Registrar

ITEM NO.20

COURT NO.1

SECTION II-C

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.) Nos.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 & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/directions, intervention, permission to appear and argue in person, permission to file SLP without certified/plain copy of impugned order, permission to place on record subsequent facts, recalling the Court's order and seeking custody certificate)

Date : 16-07-2018 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. Pawanshree Agrawal, AOR (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ansuman Srivastava, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, 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. Nikhil Nayyar, AOR
Ms. Pritha Srikumar Iyer, Adv.
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.
Ms. Vasudha Sharma, Adv.

Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Ms. Rashi Bansal, Adv.
Mr. Roopansh Purohit, AOR

Mr. Ravindra Bana, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Rupesh Kumar, Adv.
Mrs. Praveena Gautam, Adv.
Ms. Snidha Mehra, Adv.
Mrs. Anil Katiyar, AOR

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

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

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

Mr. Vineet Bhagat, AOR

Dr. Harish Uppal, Adv.
Mr. Titeswar Prasad, Adv.
Mr. Vasanth Bharani, Adv.
Mr. Vikas Mehta, AOR

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

Mr. Vikas K. Singh, Adv.
Mr. Umang Tripathi, Adv.
Mr. T.N. Singh, AOR

Mr. T. Mahipal, AOR
Mr. Ashutosh Dubey, Adv.
Mr. Sandeep Choudhary, 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

Ms. Sonal Jain, AOR

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

Ms. Shobha, AOR

Mr. Meenakshi Arora, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Shantanu Sagar, AOR

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

Mr. S. Rajappa, AOR

Mr. S.K. Verma, AOR

Mr. Ranjit Kumar Sharma, AOR
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.

Mr. Mahabir Singh, Sr. Adv.
Mr. Rameshwar Prasad Goyal, AOR
Mr. Gagan Deep Sharma, Adv.
Mr. Vikas Deep Jain, Adv.
Ms. Nidhi Jain, Adv.
Dr. Swati Jindal, Adv.
Mr. Abhay Kumar, Adv.
Mr. Mohit Kumar, Adv.
Mr. Suvigya Vidyarthi, Adv.

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

Ms. Shilpa Chohan, Adv.
Mr. Jitender Chaudhary, Adv.
Mr. Rajesh Singh, AOR

Mr. Rajesh Kumar, AOR

Mr. Prabudha Singh, Adv.
Mr. Rajeev Singh, AOR

Mr. Rahul Kaushik, AOR

Mr. R.C. Kaushik, AOR

Mr. Sanjay Parikh, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parkih, Adv.
Ms. Sanjana Srikumar, Adv.

Mr. Prithvi Pal, AOR

Mr. Praveen Agrawal, AOR

Mr. P.K. Jain, AOR

Mr. Nishit Agrawal, AOR
Mr. Shrey Kapoor, Adv.

Mr. Nikhil Swami, AOR

Ms. Nidhi Mohan Parashar, AOR

Ms. Manjula Gupta, AOR

Mr. M. Yogesh Kanna, 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. Pranay Jain, Adv.
Mr. I.C. Jain, Adv.

Mr. Vijay Nair, Adv.
Mr. Prashant Jain, Adv.
Mr. Jay Kishor Singh, AOR
Mr. Deeptanshu Jain, Adv.

Mr. Ravindra Shrivastava, Sr. Adv.
Mr. S. Hari haran, Adv.
Ms. Jaikriti S. Jadeja, AOR
Ms. Garima Tiwari, Adv.

Mr. Sajan Poovayya, Sr. Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Mr. Joseph Anthony, Adv.
Mr. Vikram Hegde, Adv.
Ms. Hima Lawrence, AOR

Mr. Gyan Prakash Srivastava, AOR

Mr. Gopal Jha, AOR
Mr. N.K. Sharma, Adv.
Mr. Shreyash Bhardaj, Adv.

Mr. Gaurav Sharma, AOR

Mr. Gaurav Goel, AOR

Ms. Garima Prashad, AOR

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
M/s. Gagrat & Co.

Mr. Gagan Gupta, AOR

Ms. Filza Moonis, AOR

Mr. Sanjiv Sen, Sr. Adv.
Mr. S. Ray, Adv.

Ms. Sanya Talwar, Adv.
Mr. Pradeep K.B., Adv.

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

Mr. Kaustubh Anshuraj, Adv.

Mr. Awanish Kumar, Adv.
Mr. Chandrashekhar, Adv.
Mr. Anshul Rai, Adv.
Mr. S.K. Pandey, Adv.

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

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

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

Mr. Arjun Harkauli, Adv.

Mr. Devendra Singh, Adv.
Mr. Ghanshyam, Adv.

Mr. Manjeet Ahuwalia, Adv.
Ms. Divya Roy, Adv.

Mr. Abhinav Shrivastava, Adv.
Mr. Rahul Gupta, Adv.
Mr. R.P. Singh, Adv.

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

Mr. Kaushik Chaudhary, Adv.

Ms. Simran Ved, Adv.

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

Ms. Tara V. Ganju, Adv.

Ms. Rachana Joshi Issar, Adv.
Ms. Vandana Mishra, Adv.
Mr. Rajesh Issar, Adv.

Mr. Ishan Sanghi, Adv.

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

Mr. Rahul Shyam Bhandari, Adv.

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

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
M/s. Cyril Amarchand Mangaldas

Dwaipayan Bhowmick, Adv.
Mr. Ashwini Jha, Adv.

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

In pursuance of our order dated 5th July, 2018, the petitioner has deposited a sum of Rs.10,00,000/- (Rupees ten lakhs only) with the Chairman of the Committee.

In the meantime, as directed earlier, the Committee has valued the property situated at Bangalore and submitted a report indicating that valuation of total property is Rs.97,69,50,000/- (Rupees ninety-seven crores sixty-nine lakhs fifty thousand only) as per fair market price. The share of the Unitech Limited in respect of the land in question, as has been valued, is Rs.49,17,84,000/- (Rupees forty-nine crores seventeen lakhs and eighty-four thousand only). It is not in dispute that the purchaser, namely, M/s. Devas Global Services LLP, has already given Rs.5,00,00,000/- (Rupees five crores only) to Unitech Limited, which has been deposited before this Court. It is submitted by Mr. Sajan Poovayya, learned senior counsel appearing for the willing purchaser that the applicant has applied for a loan to H.D.F.C. Bank and the bank has agreed to grant loan, subject to execution of the sale deed.

In view of the aforesaid, we direct M/s. Devas Global Services LLP to deposit Rs.43,17,84,000/- (Rupees forty-three crores seventeen lakhs eighty-four thousand only), after availing loan from the Bank, before the Registry

of this Court within ten days hence. In the meantime, the sale deed be executed under the supervision of the Committee. As per our last order, the willing purchaser has deposited Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court, to show its bona fide. If the amount is not deposited, as directed herein-above, the sum of Rs.1,00,00,000/- (Rupees one crore only), which has been deposited by the willing purchaser shall stand forfeited. We request the Chairman of the Committee to see to it that the needful is done, as stated herein-above, within the time stipulated. In the meantime, the petitioners shall deposit a further sum of Rs.5,00,000/- (Rupees five lakhs only) with the Chairman of the Committee.

Mr. Anand Grover, learned senior counsel has submitted that an application has been filed on behalf of the Housing Development Financial Corporation Limited forming the subject matter of I.A. No.85237/2018. Let a copy of the said application be served on Mr. Abhimanyu Bhandari, learned counsel assisting Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the petitioners. Objections, if any, be filed before the next date of hearing.

It is submitted by Mr. R. Shrivastava, learned senior counsel, appearing on behalf of the applicant, namely, Wisdom World Developers Pvt. Ltd., that the applicant is willing to carry out the project, namely, United Golf and Country Club, to the fullest. The applicant is also prepared to pay the dues of NOIDA and LIC and the actual amount spent by Unitech Limited. Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners intends to file an objection to the same. He may do so within a week hence, but notice has to be sent to NOIDA and LIC to have their perspective. For the said purpose, notice can only be sent if the applicant, namely, Wisdom World Developers Pvt. Ltd., deposits a sum of

Rs.15,00,00,000/- (Rupees fifteen crores only) before the Registry of this Court within a week hence. The Managing Director of the applicant-company shall remain personally present on the next date of hearing. If the amount is not deposited within the stipulated time, the Managing Director of the applicant-company shall face serious consequences.

In the course of hearing, it is submitted by Mr. M.L. Lahoty and Ms. Shobha, learned counsel appearing for some of the home buyers that this Court has directed that the possession of the flats can be taken by the home buyers, who intend to take the possession on 'as is where is basis'. It is urged by the learned counsel that they are inclined to take the possession but basic facilities are not provided by the developer and, therefore, the condition is not fit enough to be habitable. For instance, if a flat is on the 11th floor, there is no lift to go to that floor and there is no water supply.

In view of the aforesaid, we direct the petitioners to file a status report with regard to the projects where major part of the work is complete and suggest a plan how to complete the balance work. Let the status report be filed by the next date of hearing.

Let the matter be listed on 27th July, 2018.

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

(H.S. Parasher)
Assistant Registrar

ITEM NO.58

COURT NO.13

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

([TO BE TAKEN UP AT 2.00 P.M.])

WITH

C.A. No. 2511-2526/2017 (XVII)
(IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION
OF TIME)C.A. No. 5174-5181/2017 (XVII)
(I.A. No. 53934/2017-Clarification/Direction)C.A. No. 10851/2016 (XVII)(IA No. 2.2016-Permission to file
annexures)SLP(Cr1) No. 5978-5979/2017 (II-C)
(IA No. 73472/2017-Permission to file SLP without certified/plain
copy of impugned order)C.A. No. 15493/2017 (XVII)
(IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA
No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-
PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-
PERMISSION TO FILE ADDITIONAL DOCUMENTS)C.A. No. 17008-17011/2017 (XVII)
(and FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
FOR CLARIFICATION/DIRECTION ON IA 15770/2018, IA No. 94577/2017-
Exemption from filing c/c of the impugned judgment)C.A. No. 9391-9404/2017 (XVII)
(FOR FOR impleading party ON IA 98431/2017
(IA No. 60512/2017-Appropriate orders/Direction)C.A. No. 11008/2017 (XVII)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-
INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and

IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 16858/2017 (XVII)
(FOR ADMISSION and IA No.97166/2017-PERMISSION TO FILE APPEAL and IA No.112640/2017-impleading party and IA No.112648/2017-APPLICATION FOR TRANSPOSITION and 19856IA No.128215/2017-impleading party)

SLP(C) No. 30997/2017 (XVII)
(FOR ADMISSION and I.R.)

C.A. No. 20003/2017 (XVII)
(IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3727/2018 (XVII)
(FOR ADMISSION and I.R. and IA No.41950/2018-CONDONATION OF DELAY IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12667/2018 (XVII)
(FOR ADMISSION and I.R.)

C.A. No. 6837-6838/2018 (XVII)
(IA No. 82490/2018-EX parte interim direction)

Diary No(s). 20540/2018 (XVII)
(IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 8524/2018 (XVII)
(IA No. 111987/2018-Clarification/Direction)

C.A. No. 10609/2018 (XVII)
(IA No.141034/2018-CONDONATION OF DELAY IN FILING)

Diary No(s). 40477/2018 (XVII)
(IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-12-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

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Mr. Karunesh Kumar Shukla, Adv.

Petitioner-in-person

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Mr. Gursimran Dhillon, Adv.

Mr. Ashish Yadav, Adv.

Mr. P.Kavin Prabhu, Adv.

Mr. Deepak Goel, AOR

Mr. Gaurav Bhatia, AOR

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Ms. Rebecca M. John, Sr. Adv.

Mr. Gaurav Bhatia, Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Abhinav Agrawal, Adv.

Mr. Abhimanyu Bhandari, Adv.

Mr. Rajiv Kumar Virmani, Adv.

Mr. Atul Malhotra, Adv.

Mr. Anuroop Chakravarti, Adv.

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Ms. Vandana Mishra, Adv.

Mr. K.Vaijyanthi, Adv.

Mr. Shailabh Pandey, Adv.

Mr. Anand Grover, Sr. Adv.

Mr. Manmeet Singh, Adv.

Ms. Anukrit Gupta, Adv.

Ms. Anjali A., Adv.

Ms. Geetanjali Shahi, Adv.

Mr. Himanshu Shekhar, AOR

Mr. M.L.Lahoty, Adv.

Mr. Paban K.Sharma, Adv.

Mr. Anchit Sripat, Adv.

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Ms. Bhavya Vijay Tangri, Adv.

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Mr. Ajay Kumar Talesara, AOR
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Mr. Divyanshu Rai, Adv.
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Ms. Vasudha Sharma, Adv.
Ms. Mansi Binjrajka, Adv.

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Mr. Deepanshu Jain, Adv.
Mr. Shantanu, Adv.

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR
Mr. Madhav Dadhich, Adv.

Mr. Ravindra Tiwary, Adv.
Mr. Arvind Gupta, AOR
Mr. Jitendra Nath Pathak, Adv.

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Mr. Manoranjan Sharma, Adv.
Mr. Deepanshu Jain, Adv.

Mr. Jay Kishore Singh, AOR

Mr. Sunil Gupta, Sr. Adv.

Mr. Jatin Zaveri, AOR

Mr. Neel Kamal Mishra, Adv.

Ms. Gargi Khanna, Adv.

Mr. K.K.S. Krishnaraj, Adv.

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Mr. Kshitij Mittal, Adv.

Mr. Anshul Mittal, Adv.

Mr. Sushant Bali, Adv.

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Mr. Sukant Vikram, Adv.

Mr. Abhinav Ankit, Adv.

Mr. V.K. Shukla, Sr. Adv.

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Mr. Abhishek Chaudhary, AOR

Mr. Amit Singh, Adv.

Ms. Sujata Upadhyay, Adv.

Mr. Sarwanand Dubey, Adv.

Mr. Vikas Chaudhary, Adv.

Ms. Maithili Shubhangi, Adv.

Mr. Kumar Sudeep, Adv.

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Mr. Ishan Sanghi, Adv.

Mr. Anil Kumar Tandale, AOR

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Ms. Purva Kohli, Adv.

Mr. Shashad Alam, AOR

Mr. Anoop Kumar Srivastava, Adv.

Mr. Brijendra Singh, Adv.

Mr. Ravindra Nath Pareek, Adv.

Mr. Umesh Ch. Srivastava, Adv.

Mr. P.K. Sinha, Adv.

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Ms. Devahuti Tamuli,Adv.

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Mr. Mahabir Singh,Adv.
Mr. Vikas Deep,Adv.
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Ms. Vandana Surana,Adv.
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Ms. Shital Khatri,Adv.
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Ms. Kirti R.Mishra, AOR
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Ms. Pallavi Sengupta,Adv.
Mr. Siddhant Kohli,Adv.

Ms. Abhilasha Singh,Adv.
Ms. Purva Kohli,Adv.

Mr. M.R.Shamshad, AOR

Ms. V.Mohana, Sr. Adv.

Mr. B.Ragunath, Adv.

Mr. K.Balaji, Adv.

Mr. Sriram, AOR

Mr. Vivek Gupta, AOR

Mr. Pranav Kashyap, Adv.

Mr. Gopal Shankar, Adv.

Mr. Pankaj Jain, Adv.

Mr. Amit Kalia, Adv.

Mr. Bijoy Kr.Jain, AOR

Mr. Devendra Singh, AOR

Mr. Ghanshyam, Adv.

Ms. Kamakshi S.Mehlwai, AOR

Ms. Geetanjali Mehliwal, Adv.

Mr. Sanveer Mehliwal, Adv.

Mr. Abdul Gaffar, Adv.

Mr. Vandit Mishra, Adv.

Ms. Jahnvi Sharma, Adv.

Ms. Anuradha Mishra, Adv.

For M/s. Anuradha & Associates, AOR

Ms. Filza Moomi, AOR

Mr. Apurv, Adv.

Ms. Liz Mathew, AOR

Mr. U.A.Rana, Adv.

Mr. Himanshu Mehta, Adv.

For M/s. Gagrat & Co., AOR

Mr. Om Prakash Ajitsingh Parihar, Adv.

Mr. Abhijeet Shah, Adv.

Mr. Pranya Palawat, Adv.

Mr. Aneesh Mittal, AOR

Ms. Shreya Sharma, Adv.

Mr. Shish Pal Laler, Adv.

Mr. Sonit Sinhmar, Adv.

Mr. Devesh Kumar Tripathi, AOR

Mr. Ajay Singh, Adv.

Mr. Pranay Jain, Adv.

Mr. Jinendra Jain, AOR

Mr. Sanjay Parikh, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwisk Parikh, Adv.
Ms. Sanjana Srikumar, Adv.

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

Mr. R.N.Venjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K.Rajora, Adv.
Mr. Ranjit Kumar Sharma, AOR

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

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, Adv.
Mr. Rakesh Kailash Sharma, Adv.
Ms. Rinchen Wangmo, Adv.
Mr. Vedant Bharadwaj, Adv.

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

Mr. S.Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

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

Mr. Abhinav Mukerji, Adv.
Ms. Bihu Sharma, Adv.
Mr. Siddharth Garg, Adv.

Mr. Rohit Sharma, Adv.
Mr. Avinash Tripathi, Adv.
Mr. Rohan Roy, Adv.
Mr. M.P.Devanath, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.
For Hingorani & Associates, AOR

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

The learned Amicus Curiae submitted a report on 21.09.2017 indicating that out of 74 construction projects undertaken by UNITECH, as many as 61 were incomplete. About 16,300

home buyers are involved in these projects. The report indicates that the principal amount due to the home buyers, if the home buyers were to be refunded, the amounts paid to the developer, would amount to nearly Rs.7816 crores.

Having regard to the magnitude of the problem and the urgent need to protect the home buyers, this Court directed the creation of a web portal through which the Amicus Curiae was permitted to collate options from the home buyers on whether they seek possession of the flats which they have booked or seek a refund.

Learned counsel appearing for the UNITECH submitted that if permitted, the developers would wish to generate funds by monetising their assets. In order to facilitate this process and in view of the above submission, this Court had directed that requisite facilities be extended to the Directors who are lodged in Tihar jail so as to enable them to negotiate the sale of their unencumbered properties or assets.

The petitioners were directed to deposit an amount of Rs. 750 crores by December, 2017. The learned Amicus has stated before the Court that in the present proceedings an amount of Rs. 307 cores has been deposited. According to the learned counsel appearing for the UNITECH, a total amount of Rs. 419 crores has been secured by deposit in various proceedings before this Court.

The orders passed by this Court for deposit have not been complied with.

On 05.03.2018, the petitioners were directed to file affidavits stating the details of their unencumbered properties and the properties of their subsidiaries both in India and abroad. On

09.04.2018, a list of unencumbered assets was filed before this Court. On 02.05.2018 this Court directed the petitioners to file a list of their unencumbered properties together with the extent of encumbrances. The Directors of UNITECH as well as its subsidiaries were required to file a list of their personal assets. In pursuance of this Court's order, certain affidavits have been filed. The affidavits, it must be noted, are bereft of details, including the value of the properties, in the absence of which the extent of encumbrances could not be determined.

In this background, on 14.05.2008, this Court constituted a Committee headed by Justice SN Dhingra, former Judge of the Delhi High Court for conducting sales of unencumbered properties of UNITECH. On 05.07.2018, when the petitioners again sought time for filing a list of encumbered properties of UNITECH and its subsidiaries, this Court had adverted to the conduct of UNITECH in failing to comply with the directions that have been issued.

The learned Amicus has drawn attention of this Court to the fact that the information regarding assets which has been furnished is incomplete and is contradicted by the filings made by UNITECH in proceedings which are pending in other jurisdictions.

Documents have been placed on the record of this Court revealing a disturbing state of affairs:

(i) An affidavit filed by the Delhi police in W.P.(Cr1.) No. 2298 of 2016, discloses the manner in which funds were collected from home buyers and then siphoned-off before the accounts were closed;

(ii) The foreign subsidiaries of UNITECH Ltd. have about an

amount of Rs. 4500 crores as reserves and surplus capital, according to the annual report of UNITECH;

(iii) A Newly 150 subsidiaries of UNITECH have been closed down between year 2011-2012 and 2016-2017;

(iv) Observations made by the independent auditors of UNITECH Ltd. are demonstrative of wrong financial practices followed by the company.

The net position which emerges before the Court is that despite having collected money from the home buyers, UNITECH has neither delivered the promised flats in the projects nor is it in a position to refund the amounts collected. The amount of Rs. 750 crores that was directed to be realised by 31.12.2017 has not been realised.

The Justice Dhingra Committee has commenced its work in earnest and has made an effort to sell various properties of UNITECH, including those at Varanasi, Agra and Sriperumbudur. By the previous orders of this Court dated 19.11.2018, 30.11.2018, this Court has permitted the Committee to proceed with negotiating for the sale of the property at Sriperumbudur for which an amount of Rs. 5 crores has been deposited by a prospective buyer.

At this stage, in order to enable the Court to issue structured direction, it is necessary to ascertain how the funds which have been collected both from the home buyers and the financial institutions have been utilised. Tracing the money which was received for the purpose of the construction projects but has prime facie been diverted is necessary to enable the Court to take the matter to its logical conclusion. Full details have not

emerged despite several directions which have been issued by this Court. Hence, it has now become necessary for the Court to direct a forensic audit to be conducted of the UNITECH group of Companies.

We direct that a forensic audit be made of the UNITECH group of Companies including of its subsidiaries, sister concerns and Directors. As already indicated in the earlier part of this judgment, UNITECH appears to have been engaged in as many as 74 projects. While conducting a forensic audit, the auditors will necessarily have to look into the details pertaining to 74 projects. However, it is necessary to clarify that the remit of the auditors shall not be confined to the 74 projects and it will be open to them, as part of the task which is entrusted by this Court to audit fully in order to ensure that the trail of money is traced.

The forensic audit which we require the auditors to conduct shall cover:

- (i) UNITECH Limited and its sister concerns and subsidiaries;
- (ii) the subsidiaries of UNITECH which may have existed at the relevant time but were closed down;
- (iii) encumbered and unencumbered assets of the company, including the market value of the assets; and
- (iv) moveable and immovable assets of all the Directors of UNITECH and members of their families as well as of the related companies.

Tentatively, at the present stage, the period over which the forensic audit shall be conducted would commence from 01.01.2006. If the auditors upon scrutinizing the material require any

modification of this direction, they would be at liberty to place a report before this Court for appropriate directions.

The team constituted by the auditors would be at liberty to obtain details from the PAN numbers of all the Directors and their family members inter alia of the extent of the assets held by them and statement of account for the aforesaid period in order to determine whether any diversion of funds has taken place and to trace the assets in which the money has been invested. The auditors would be at liberty to pursue their inquiry with a view to determine if any assets have been purchased out of the money provided by the home buyers and other beneficiaries including the fixed deposit holders out of the flow of funds.

During the course of hearing, we had requested learned counsel appearing for the contesting parties to suggest the modalities to be adopted for the selection and appointment of auditors. The Court is apprised of the list of empanelled forensic auditors which is maintained by the Securities and Exchange Board of India (SEBI). From the list this Court directs that the forensic audit should be conducted by M/s. Grant Thornton. The learned Amicus is requested to communicate a copy of this order to M/s Grant Thornton immediately in order to enable them to indicate their acceptance and to take steps in pursuance of the order.

We request the Auditors to place before this Court by 13.12.2018, draft terms of audit incorporating the issues which have been flagged in this order. The Auditors will be at liberty to fix the remuneration which they would propose to charge for approval of this Court. The auditors are requested to indicate the

time within which the audit will be completed.

We direct UNITECH Ltd., its Directors, employees and all others to strictly co-operate with the auditors in all matters. All documents, account statements, returns and files pertaining to all the above companies and individuals shall be duly collated, compiled and handed over to them for scrutiny. This will include unhindered access to lap tops, computers, data storage equipment and other devices which the forensic auditors may require. All agencies of Union Government, State Governments and lenders shall co-operate with the auditors and make available all information which is required for the purpose of completing the forensic audit which is directed by this Court. We hasten to add that any dereliction in compliance of this order shall be liable to be dealt with under the contempt jurisdiction of this Court. The auditors would be at liberty to move this Court through Mr. Pawanshree Agarwal for obtaining suitable directions from this Court.

An amount of Rs. 174 crores is presently lying in deposit before this Court. In order to facilitate disbursal, this Court has issued directions for disbursement to those home buyers who have refund orders from judicial fora including the consumer courts. At this stage, it has become necessary for the Court to issue directions in order to ensure that a part of the money is kept aside for completing the construction. The Justice Dhingra Committee has been directed to take up on priority those projects where construction is at least 70% complete so that flats can be handed over to the home buyers who seek possession. In disbursing the amounts which are realised by the monetising of the assets, it

is necessary to protect both group of home buyers viz., those who are seeking possession as well as those those home buyers who are interested in seeking refund. In regard to those projects which can be completed at an early date, as assessed by Justice Dhingra Committee, it will be necessary to allocate sufficient funds which can be disbursed to ensure that the flats are handed over to the home buyers. We had already issued directions earlier in that regard which are being implemented by Justice Dhingra Committee. At this stage we direct that (1) the amount of Rs 174 crores shall be bifurcated in the ratio of 50:40:10. In other words, 50% of the amount realised shall be distributed on an equalising pro rata basis to home buyers who have obtained orders from the competent courts or consumer fora. 40% shall presently be retained by the Registry to await orders for disbursement towards construction projects. 10% will be retained for Fixed deposit holders. A list of the decree holders who are registered on the portal is maintained by the Amicus. The Amicus will complete a list of decree holders as on 30.11.2018 for disbursal.

List these matters on Friday i.e. 14.12.2018.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.64

COURT NO.11

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.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

C.A. No.10851/2016 (XVII)
IA No.2/2016-PERMISSION TO FILE ANNEXURES

C.A. Nos.2511-2526/2017 (XVII)
(IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION
OF TIME)
S.L.P.(C)...CC Nos.5129-5130/2017 (XIV)
IA No.1/2017-PERMISSION TO FILE PETITION (SLP/TP/WP..)

C.A. Nos.5174-5181/2017 (XVII)
IA No.53934/2017-CLARIFICATION/DIRECTION

C.A. No.5674/2017 (XVII)

C.A. No. 9391-9404/2017 (XVII)
(FOR impleading party ON IA 98431/2017
FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017)
IA NO.60512/2017-APPROPRIATE ORDERS/DIRECTIONS

C.A. No. 15493/2017 (XVII)
(IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA
No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-
PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-
PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP(Cr1) No. 5978-5979/2017 (II-C)
IA No.73472/2017-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
COPY OF THE IMPUGNED ORDER

C.A. No. 11008/2017 (XVII)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-
INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and
IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 17008-17011/2017 (XVII)
(and FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
FOR CLARIFICATION/DIRECTION ON IA 15770/2018)

C.A. No. 16858/2017 (XVII)
(FOR ADMISSION and IA No.97166/2017-PERMISSION TO FILE APPEAL and
IA No.112640/2017-impleading party and IA No.112648/2017-
APPLICATION FOR TRANSPOSITION and IA No.128215/2017-impleading
party)

C.A. No. 20003/2017 (XVII)
(IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA
No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA
No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)
(FOR ADMISSION and I.R.)

C.A. No. 3727/2018 (XVII)
(FOR ADMISSION and I.R. and IA No.41950/2018-CONDONATION OF DELAY
IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 6837-6838/2018 (XVII)
ia No.82490/2018-EX-PARTE INTERIM DIRECTION

SLP(C) No. 12667/2018 (XVII)
(FOR ADMISSION and I.R.)

Diary No(s). 20540/2018 (XVII)
(IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING
APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No.8524/2018 (XVII)
IA No.-10609/2018-CONDONATION OF DELAY IN FILING

C.A. No. 10609/2018 (XVII)
(IA No.141034/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No.30270/2018 (XVII)
(FOR ADMISSION and I.R. and IA No.164959/2018-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Diary No(s).40477/2018 (XVII)
(IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA
No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-01-2019 These matters were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

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134806 and
129870/18

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CRLMP59884/18

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

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

Mr. Samir Paranjpe, Partner, Forensic & Investigation Services in M/s Grant Thornton India LLP ("GT") has presented before the Court an "Approach Note for Forensic Audit of M/S Unitech Limited" in pursuance of the previous order dated 7 December 2018. The approach note sets out the modalities which the forensic auditors intend to follow.

In phase-1, it is proposed that the focus will be on 74 construction projects and the entities of Unitech involved in this project.

Steps which have been proposed in the approach note include:

- (i) Planning data collection;
- (ii) Forensic analytics and analysis of money trail;
- (iii) Computer Forensic Procedures;
- (iv) Public domain search and site visits; and
- (v) Consolidation and Reporting.

The Approach Note indicates that the field work would take about 10-11 weeks from the availability of 60% of the data. A draft report is likely to be presented in a week from the completion of the field work in order to enable the forensic Auditors to initiate the process. We permit the forensic auditors to embark upon and commence the work.

Unitech Limited shall identify and nominate two of its Directors and a team of three Senior officers who shall coordinate with the forensic auditors for the purpose of supplying all the data, materials and information as is required by the auditors.

The Directors, who shall be nominated, will not include any of the Directors who are presently in jail. The team so nominated must report on a daily basis to Mr. Samir Paranjpe and furnish the required data within a period of 48 hours of a requisition being made.

The Chief Financial Officer of Unitech Limited shall be one of the officers to be nominated for the above purpose.

Learned Amicus Curiae is at liberty to place reports before this Court in phases for the release of remuneration to the forensic auditors.

List on 23.1.2019 at 2:00 p.m as part-heard.

(POOJA ARORA)
COURT MASTER

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.12

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

C.A. No. 2511-2526/2017 (XVII)

(WITH IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION OF TIME)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

C.A. No. 5674/2017 (XVII)

C.A. No. 10851/2016 (XVII)

SLP(Cr1) No. 5978-5979/2017 (II-C)

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

(IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

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

(WITH APPLN.(S) FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017, FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017 FOR CLARIFICATION/DIRECTION ON IA 15770/2018)

C.A. No. 9391-9404/2017 (XVII)

(WITH APPLN.(S) FOR impleading party ON IA 98431/2017 FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017)

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

(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

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

(IA No.97166/2017-PERMISSION TO FILE APPEAL and IA No.112640/2017-

impleading party and IA No.112648/2017-APPLICATION FOR TRANSPOSITION and IA No.128215/2017-impleading party)

SLP(C) No. 30997/2017 (XVII)
(I.R.)

C.A. No. 20003/2017 (XVII)
(IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3727/2018 (XVII)
(I.R. and IA No.41950/2018-CONDONATION OF DELAY IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12667/2018 (XVII)
(I.R.)

C.A. No. 6837-6838/2018 (XVII)

Diary No(s). 20540/2018 (XVII)
(IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 8524/2018 (XVII)

C.A. No. 10609/2018 (XVII)
(WITH IA No.141034/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 30270/2018 (XVII)
(FOR ADMISSION and I.R. and IA No.164959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 40477/2018 (XVII)
(WITH IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

Date : 23-01-2019 These matters were called on for hearing today.

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

I.A. No.117007 in SLP(CrL.) No.5978-5979 of 2017

On 30 October 2017, a Bench of three-Judges of this Court admitted the petitioners to bail, subject to a deposit of a sum of Rs750 crores in the Registry of this Court by the end of December, 2017.

The relevant part of the order of this Court is extracted below:

“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.”

The above order was preceded by an order dated 24 August 2017 requiring the deposit of Rs15 crores within two weeks and an order dated 1 September 2017 requiring a further deposit of Rs5 crores by 6 September 2017. The

order dated 1 September 2017 provides that on the conditions being satisfied, the Court was inclined to admit the petitioners on interim bail on the next date of hearing in order to enable the petitioners to refund the moneys to consumers who had booked flats in various projects.

Thereafter, as stated earlier, on 30 October 2017, an order was passed by this Court admitting the petitioners to bail subject to the deposit of Rs750 crores by 31 December 2017. Admittedly, this order has not been complied with.

Dr. A.M. Singhvi, learned senior counsel appearing on behalf of the petitioners, submitted that the custody of the two directors is not in pursuance of any procedure known to the Cr.P.C. He urges that thus far, the petitioners have caused a deposit of an amount of Rs419 crores, in addition to which a further amount of Rs45 crores is ready to be deposited on account of the proposed sale of the land at Sriperumbudur where the buyer is ready with that amount. It has been submitted that the balance of Rs305 crores represents money which will be committed to be paid in pursuance of proposed transactions for the sale of land at Sriperumbudur and Bangalore. Besides this, it has been submitted that an amount of Rs105 crores represents a committed figure arising out a binding Term Sheet Agreement for the transfer of the shares of a Power company together with

land at Nagpur in favour of M/s. Sterling & Wilson, a company in the Shapoorji Pallonji Group. Of this amount, it has been submitted that an amount of Rs68 crores would be paid over after the NOC of the bankers, leaving approximately Rs35 crores in balance.

Dr. Singhvi has submitted that between the date of arrest and the present time, 2839 dwelling units were offered for possession to flat purchasers. On this basis, it has been urged before the Court that the petitioners have, besides the amounts which have been deposited in the Court, made a *bona fide* effort to enter into committed transactions for the monetization of assets.

Mr. Pawanshree Agrawal, learned *amicus curiae*, has submitted before the Court that the condition on which the petitioners were granted bail was the deposit of Rs750 crores. This amount was based on the initial estimate of the refund due to flat purchasers, assessed at Rs2,000 crores in October 2017. The *amicus curiae* submits that in the affidavit which was filed on behalf of the petitioners at the relevant time, in October 2017, it was estimated that the assets of UNITECH would be monetised in six months, resulting in a realization of Rs1,500 crores of which one half would be utilized for the purposes of refund to flat buyers and the other half for completion of construction. We find that there has been an abject failure to meet the commitments which were

made to the Court.

The Court has been apprised of the result of the registration of flat buyers on the web portal maintained by the *amicus curiae*. In pursuance of the order of this Court, the claim for refund has now increased to approximately Rs2,500 crores. This is inclusive of persons who have orders for refund from competent *fora*, in the amount of about Rs630 crores, as on 30 November 2018.

The *amicus curiae* has submitted that a distinction must be made between an offer of allotment and the actual handing over of possession to the flat buyers. Flat buyers may not be ready to accept possession unless the flats are ready in all respects and provided there is an occupation certificate.

Adverting to the amount of Rs464 crores which has been deposited (inclusive of the amount of Rs45 crores for the Sriperumbudur land), it has been submitted by the Amicus Curiae that an amount of Rs40 crores has been deposited by M/s. Pioneer under a joint venture agreement will have to be excluded while an amount of Rs56 crores has been deposited towards moneys due and payable in other civil appeals. If this is taken into account, the amount which has been deposited after the date of arrest is approximately Rs365 crores.

Mr. Rajiv Nanda, learned counsel appearing on behalf of the Investigating Officer, has submitted a status

report of the investigation.

The record before the Court indicates that initially a First Information Report was registered in pursuance of an order dated 27 July 2015 passed by the ACMM II, Patiala House Courts under Section 156(3) of the Code of Criminal Procedure on a specific complaint. Subsequently, 173 more complaints were received against the builder in respect of the same residential project. The value of the investment of the complainants is approximately Rs70 crores. The status report indicates that UNITECH has still not complied with various requirements such as the approval of a demarcation-cum-revised layout plan for its residential colony in Sector 70 at Gurgaon, submission of zoning plan, building plan and environment clearance, among other formalities. *Prima facie*, it has been indicated that the investigation establishes that money which has been realised from the flat purchasers has been siphoned off. The EOW has filed a charge-sheet and a supplementary charge-sheet. Hearings on the framing of charges is to take place before the Trial Judge on 7 February 2019.

By the order of this Court dated 30 October 2017, the petitioners were admitted to bail, subject to the deposit of an amount of Rs750 crores. The order in that regard was passed by a three-Judge Bench of this Court. At this stage, the admitted facts before the Court indicate that the order for the deposit of Rs750 crores has not been

complied with. The prayer for enlargement on bail is misconceived because the petitioners have been admitted to bail, subject to the condition of deposit which is not fulfilled. The two directors have been arrested following the orders passed by the ACMM. They failed to obtain any order from the Delhi High Court.

Under the circumstances, we see no reasonable basis on which a two-Judge Bench of this Court should be led to modify the earlier order of a three-Judge Bench, particularly when the order for deposit of money has not been complied with.

By an order dated 7 December 2018, this Court directed a forensic audit of the projects of UNITECH. The forensic audit is being conducted by Grant Thornton India LLP, auditors on the panel of SEBI.

For the above reasons, we see no reason to issue any directions on the application which has been moved on behalf of the petitioners by Dr. A.M. Singhvi. The application is accordingly dismissed.

Since the proceedings for framing of charges are listed for 7 February 2019, the Trial Judge shall take up and complete the stage of framing of charges on an expeditious basis.

SLP(Cr1.) Nos.5778-79 of 2017

The *amicus curiae* has submitted a report before this Court for directions.

The Report contains several items, including the following:

"DIRECTION OF APPROVAL FOR SALE OF UPTL

1. Unitech has signed a binding term sheet and agreed on a draft Share Purchase Agreement with Sterling Wilson for the sale of its company UPTL for 105 crores, out of which 68.40 Cr. is promised to be deposited with the Registry of this Hon'ble Court after the fulfilment of conditions laid in the term sheet. The balance 35 crores will be backed by a bank guarantee issued in favour of an escrow agent. An application seeking approval for the said transaction has been filed by Unitech. Necessary directions may be given on the said issue."

Insofar as the above transaction is concerned, we are of the view that before the grant of approval by the Court can be considered, there should be an assessment of the fair market value and other terms proposed by a professional expert. Since Grant Thornton India LLP have been appointed by this Court to conduct a forensic audit, we request them to scrutinize the Term Sheet Agreement and submit a report before this Court preferably within a period of two weeks from today.

Mr. Abhimanyu Bhandari, learned counsel appearing on behalf of the petitioners has agreed to furnish all relevant materials, as may be required by the auditors to complete the process.

The second item in the Report is to the following effect:

"Directions required based on the Minutes of Meeting of the Committee

2. An MOU has been entered into between Priyadarshini Foundation Pvt. Ltd. and Unitech

Limited as regards the land parcel in Sriperembedur. Pursuant thereto an amount of 45 crores is ready to be deposited by the buyer in this Hon'ble Court. Direction may be issued in that regard."

We permit Priyadarshini Foundation Pvt. Ltd. to deposit an amount of Rs45 crores with the Registry of this Court within two days. The Justice Dhingra Committee is requested to indicate to this Court an estimate of the amounts which are required for the completion of the construction of those projects which are substantially complete. The Committee may, in its report, indicate the projects, the stage and the timelines of construction, together with other details, including the towers and the estimate of expenses required.

Justice Dhingra Committee is requested to complete this exercise preferably within a period of two weeks.

The third item in the Report pertains to refund of amounts due to fixed deposit holders.

By the order of this Court dated 7 December 2018, 10% of the deposited amount has been retained towards payment for the fixed deposit holders. Among the fixed deposit holders, there are those who have decrees in their favour of competent courts or *fora* and others whose claims are yet to be adjudicated.

The *amicus curiae* will be at liberty to receive details from the fixed deposit holders and thereafter

present a report before this Court indicating the amounts which are due and payable to those who have decrees or orders in their favour and otherwise. This exercise shall be completed within two weeks. The *amicus curiae* shall keep the portal in operation for the fixed deposit holders for a further period of two weeks so as to obtain an updated status of fixed deposit holders.

The fourth item in the Report pertains to ex-employees.

Mr. Bhandari, learned counsel appearing on behalf of UNITECH shall take instructions on this aspect so as to facilitate the passing of orders on the next date. Mr. Bhandari shall, within a period of two weeks from today, file an updated chart on affidavit of the ex-employees, the amounts which are due and payable including the amounts towards provident fund dues, gratuity, ESI and other statutory dues. The chart shall also indicate the TDS deducted but not deposited with the income tax authorities. A copy of the aforesaid chart and affidavit shall be furnished to the *amicus curiae* as well as Ms. Tara V. Ganju and Ms. Rashi Bansal, learned counsel appearing on behalf of the ex-employees.

The *amicus curiae* shall be at liberty to contact the Regional Provident Fund Commissioner so that the correct position can be ascertained.

Our attention has been drawn to an order dated 6 June 2017 passed by the Regional Provident Fund Commissioner,

Regional Office-Delhi(South) indicating that an amount of Rs.12.33 crores is due and payable for the period between June 2015 and April 2016.

The *amicus curiae* shall inform the Regional Provident Fund Commissioner that the Employees Provident Fund Organization would be at liberty to move an appropriate application in these proceedings for necessary orders.

The fifth item in the Report pertains to directions to NOIDA Authority.

The *amicus curiae* is permitted to serve a copy of his report on Mr. Ravinder Kumar, learned counsel appearing on behalf of NOIDA.

Learned counsel has stated that he will file a response within a period of two weeks from today.

The next item in the Report pertains to payments to assisting counsel.

M/s. UNITECH shall pay an amount of Rs2 lakhs each to Mr. Varun Chopra, learned counsel who is assisting in the hearings in the Committee meetings of Justice Dhingra Committee and Mr. Aneesh Mittal, who is assisting on the technical front by managing the web portal.

An amount of Rs5 crores which is lying in the Registry of this Court and an amount of Rs45 crores, which is to be deposited within two days, shall be invested in a Fixed Deposit of a nationalised bank initially for a period of three months, which shall be renewed from time to time.

List the matters on 7 February 2019 at 2.00 p.m. as part heard along with I.A. Nos.145494, 134987, 134971, 134965, 134982.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

ITEM NO.301

COURT NO.12

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

C.A. No. 2511-2526/2017 (XVII)

(IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION OF TIME)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

(IA 1/2017-PERMISSION TO FILE PETITION)

C.A. No. 5174-5181/2017 (XVII)

(IA NO. 53934/2017-CLARIFICATION/DIRECTION)

C.A. No. 5674/2017 (XVII)

C.A. No. 10851/2016 (XVII)

(IA 2/2016-PERMISSION TO FILE ANNEXURES)

SLP(Cr1) No. 5978-5979/2017 (II-C)

(IA 73422/2017-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

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

(IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

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

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017 FOR CLARIFICATION/DIRECTION ON IA 15770/2018, IA 94577-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 9391-9404/2017 (XVII)

(FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017, IA 60512/2017- APPROPRIATE ORDERS/DIRECTIONS)

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

(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-

INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 16858/2017 (XVII)
(WITH IA No.97166/2017-PERMISSION TO FILE APPEAL and IA No.112640/2017-impleading party and IA No.112648/2017-APPLICATION FOR TRANSPOSITION and IA No.128215/2017-impleading party)

SLP(C) No. 30997/2017 (XVII)
(WITH I.R.)

C.A. No. 20003/2017 (XVII)
(WITH IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

WITH C.A. No. 3727/2018 (XVII)
(WITH I.R. and IA No.41950/2018-CONDONATION OF DELAY IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12667/2018 (XVII)
(WITH I.R.)

C.A. No. 6837-6838/2018 (XVII)
(IA 82490/2018-EX-PARTE INTERIM DIRECTION)

Diary No(s). 20540/2018 (XVII)
(WITH IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 8524/2018 (XVII)
(IA 111987/2018-CLARIFICATION/DIRECTION)

C.A. No. 10609/2018 (XVII)
(WITH IA No.141034/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 30270/2018 (XVII)
(WITH I.R. and IA No.164959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 40477/2018 (XVII)
(WITH IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 51/2019 (X)
(WITH IA No.8597/2019-CLARIFICATION/DIRECTION)

Diary No(s). 1380/2019 (XVII)
(WITH IA No.14639/2019-CONDONATION OF DELAY IN FILING and IA

No.14640/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.14641/2019-STAY APPLICATION)

Date : 15-02-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

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Petitioner-in-person

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Mr. Devendra Singh, AOR

Mr. Shubhranshu Padhi, AOR

Mr. Rahul Narayan, AOR
Mr. Shashwat Goel, Adv.

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Mr. Mahesh Agarwal, Adv.
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Mr. Ajay Kumar Talesara, AOR
Mr. A.P. Sinha, Adv.
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Mr. Dhananjay Baijal, Adv.
Mr. Divyanshu Rai, Adv.
Mr. Naveen Hegde, Adv.
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Mr. Shaantanu Jain, Adv.
Ms. Sishmita Kumari, Adv.

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

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Mr. Avinash Sharma, AOR
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Mr. M.R. Shamshad, AOR

Mr. Gopal Jha, AOR

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

Ms. Isha Aggarwal, Adv.
Mr. Sachin Jain, Adv.
Mr. Rajiv Ranjan Dwivedi, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Nanda Kumar, Adv.
for M/s. Nuli & Nuli

Mr. Joseph Pookkatt, Adv.
Mr. Prashant Kumar, Adv.
Mr. Navodey Singh Rajpurohit, Adv.
Ms. Charu Ambwani, Adv.

Mr. Shashibhushan Adgaonkar, AOR
Mr. Lalit Mohan, Adv.
Mr. Ekant Luthra, Adv.

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

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

Mr. Tarun Gupta, AOR
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Mr. Venkateshwar Rao Anumolu, Adv.
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Mr. Abhitosh Pratap Singh, Adv.
Ms. Rinchen Wangmo, Adv.
Mr. Vedant Bharadwaj, Adv.

Mr. Chandan Kumar, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Rituraj Choudhary, Adv.

Ms. Vandana Surana, Adv.

Ms. Priya Kashyap, Adv.

Mr. Rajesh Goel, AOR

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Ms. Fiiza Moonis, Adv.

Mr. Rohit Sharma, Adv.

Mr. Avinash Tripathi, Adv.

Mr. Abhishek Anand, Adv.

Mr. Rohan Roy, Adv.

Mr. M.P. Devanath, Adv.

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Mr. Jitender Chaudhary, Adv.

Mr. Rajesh Singh, Adv.

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Mr. Brijendra Singh, Adv.

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Mr. Roshan Santhalia, Adv.
Mr. Harsh Agrawal, Adv.

Ms. Uttara Babbar, Adv.
Ms. Bhavana Duhoon, Adv.

Ms. Geetanjali Mehlwal, Adv.
Mr. Mohit Yadav, Adv.
Mr. Sanveer Mehlwat, Adv.
Mr. Raju Sonkar, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

Mr. Shish Pal Laler, Adv.
Mr. Sonit Sinhmar, Adv.

Mr. Apurv, Adv.
Ms. Liz Mathew, Adv.

Mr. Sanjay Jain, Adv.
Mr. Parveen Kumar Agrawal, Adv.

Mr. Gopal Sankaranarain, Adv.
Mr. Ashok Ku. Jain, Adv.
Mr. Pankaj Jain, Adv.
Ms. Priyanka Das, Adv.
Mr. Bijoy Ku. Jain, Adv.

Mr. Amit Singh, Adv.
Mr. Vikas Chaudhary, Adv.
Ms. Malini Jain, Adv.
Mr. Adarsh Upadhyay, Adv.

Mr. Shamsravish Rein, Adv.
Mr. Maheravish Rein, Adv.
Mr. Aldanish Rein, Adv.

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

Mr. Tarun Satija, Adv.
Ms. Ashita Arora, Adv.
Mr. Prem Grover, Adv.
Mr. Vaibhav Nautiyal, Adv.
Mr. Kamalendra Mishra, AOR

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For Mr. Deepak Anand, Adv.

Ms. Filza Moonir, Adv.

Mr. Devendra Singh, AOR

Mr. Shubhranshu Padhi, AOR

Mr. Rahul Narayan, AOR

Mr. Awanish Kumar, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. Avinash Sharma, AOR

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

A letter has been addressed by Justice S.N. Dhingra, former Judge, Delhi High Court to the Amicus Curiae indicating that Unitech has found a buyer for land admeasuring 24.50 acres at Village Mankhal, Maheshvaram Mandal, Rangareddy District, Hyderabad.

The letter indicates that the price which has been offered by the prospective buyer is at the rate of Rs 85 lakhs per acre and an advance of Rs 2 crores by bank draft has been forwarded to the Committee. The bank draft is with the learned Amicus Curiae and permission has been granted to deposit it in the Registry. The

balance of the consideration has to be paid within 45 days at the time of registration upon the approval of the Committee and this Court. The Committee has recommended the approval of the sale since the price which has been quoted has been found to be reasonable. We accordingly grant our approval in terms as proposed by the Committee. The Committee is permitted to proceed with the completion of the sale transaction. This shall be supervised by the Committee and the moneys realized shall be deposited before the Registry of this Court.

The Amicus Curiae has placed on the record, together with his status report, a tabular statement for the utilization of funds in respect of a nine months' schedule of construction. 907 units would be completed between 4 to 9 months for which a total fund allocation of Rs 82.50 crores is required. This represents an estimate which has been furnished by Unitech and is yet to be verified by the Justice Dhingra Committee. We accordingly, direct the Registry to release an amount of Rs 40 crores at present to the Justice Dhingra Committee (Unitech Ltd. Escrow A/c. No. 50200032645915) which will be utilised for the completion of the nine projects referred to in the tabulated chart filed on 14 February 2019.

We request the Committee to verify the details of the estimates furnished by Unitech and subject to verification, to authorize the utilization of the amount solely and exclusively for the purpose of the construction of the nine projects. We also direct that all home buyers who are being given possession of the constructed units shall simultaneously deposit the balance of the

dues payable in respect of their flats.

The dues shall be ascertained by the Justice Dhingra Committee flat wise in coordination with a representative of Unitech who shall be nominated specifically for that purpose. We also clarify on the request of the learned Amicus Curiae that in those cases where the fit out is to be carried out by home buyer warranting a reduction in the price of the flat this shall be subject to the due verification and approval of the Justice Dhingra Committee.

In the previous order of this Court dated 23 January 2019, there was a reference to the report of the Amicus Curiae insofar as it dealt with the proposed sale of Unitech Power Transmission Ltd. (UPTL) to Sterling & Wilson Pvt. Ltd. The relevant part of the previous order is extracted below:

"The Report contains several items, including the following:

"DIRECTION OF APPROVAL FOR SALE OF UPTL

1. Unitech has signed a binding term sheet and agreed on a draft Share Purchase Agreement with Sterling Wilson for the sale of its company UPTL for 105 cores, out of which 68.40 Cr. is promised to be deposited with the Registry of this Hon'ble Court after the fulfilment of conditions laid in the term sheet. The balance 35 crores will be backed by a bank guarantee issued in favour of an escrow agent. An application seeking approval for the said transaction has been filed by Unitech. Necessary directions may be given on the said issue."

Insofar as the above transaction is concerned, we are of the view that before the grant of approval by the Court can be considered, there should be an assessment of the fair market value and other terms proposed by a professional expert. Since Grant Thornton India LLP have been appointed by this Court to conduct a forensic audit, we request them to scrutinize the Term Sheet Agreement and submit a report before this

Court preferably within a period of two weeks from today.”

In pursuance of the above directions, M/s. Grant Thornton India LLP have submitted their report on the equity valuation of Unitech Power Transmission Ltd. The report indicates that the fair market value of UPTL, as on 30 September 2018, is comparable with the proposed sale consideration of INR 105 crores.

In the above circumstances, we approve the proposed transaction. Under the terms of the transaction, M/s. Oriental Bank of Commerce and Syndicate Bank are requested to expedite the process of change of management and shareholding of UPTL from Unitech to Sterling & Wilson Pvt. Ltd. preferably within a period of three weeks. The amount which is realized against the aforesaid transaction shall be deposited directly in the Registry of this Court, and shall be kept in a short term deposit of a nationalized bank.

Mr. Sameer Paranjape from M/s. Grant Thornton has presented to the Court an update of the undergoing forensic audit. He has stated that 45 per cent of the financial and operational records of Unitech have been received. We direct that all the remaining records must be handed over to the forensic auditor within two weeks from today. The Chief Financial Officer of Unitech shall be personally responsible for compliance.

The second difficulty which is being faced by the forensic auditors is in regard to the forensic imaging of key electronic devices held by the management of Unitech Ltd. We direct that the data from the electronic devices of the current management and

employees concerned as well as those who have served the company in the past must be handed over within a period of two weeks to the forensic auditors. The Chief Financial Officer shall ensure personally compliance with this direction.

In the event that any previous employee, including erstwhile employee is not complying with the order of this Court, the Court will be constrained to issue a notice of contempt and secure the data through the coercive process of law. In any case, we are of the view that the responsibility for compliance must be fulfilled by M/s. Unitech Ltd. not later than a period of two weeks from today.

Learned counsel appearing for Unitech Ltd. would be at liberty to mention SLP(C) No. 9572 of 2007 for early listing, since learned counsel appearing on behalf of NOIDA has stated before the Court that many of the issues which have a bearing on the present proceedings will stand resolved one way or the other only upon the conclusion of the proceedings in the aforesaid SLP.

The Amicus Curiae has, on the suggestion of some of the learned counsel, submitted that in the event, there are unsold units in the projects which are proceeding to completion, the possibility of offering these unsold units by way of a swap to existing buyers in projects which have not made progress will be considered and a proposal placed before this Court for final direction.

Unitech Ltd. shall, in furtherance of the previous order of this court, provide on affidavit, the data pertaining to the employees of the company as on 1 January 2014 and thereafter

including full details in regard to unpaid salaries, TDS and statutory dues. This data shall be filed employee wise within a period of three weeks.

We clarify and direct that the title deeds, together with NOC of those home buyers who have received the entire principal amount, shall be lodged with the learned Amicus Curiae in the first instance. Mr. Pawanshree Agrawal, learned Amicus Curiae shall in turn lodge the title deeds together with the NOC with the Registry. They shall be kept in the safe custody of the Registry against inventory.

List on 7 March 2019 at 3 pm.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.11

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA 163357/2018, 185446/2018, 185448/2018, 185449/2018, 16860/2019, 24639/2019, 24645/2019, 29729/2019)

WITH

C.A. No. 2511-2526/2017 (XVII)

(WITH IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION OF TIME)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

C.A. No. 5674/2017 (XVII)

C.A. No. 11108/2016 (XVII)
(Office report for direction)

C.A. No. 10851/2016 (XVII)

SLP(Cr1) No. 5978-5979/2017 (II-C)

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

(WITH IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

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

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 94736/2017 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017 FOR CLARIFICATION/DIRECTION ON IA 15770/2018)

C.A. No. 9391-9404/2017 (XVII)

(FOR impleading party ON IA 98431/2017 FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017)

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

(WITH IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-

INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 16858/2017 (XVII)
(WITH IA No.97166/2017-PERMISSION TO FILE APPEAL and IA No.112640/2017-impleading party and IA No.112648/2017-APPLICATION FOR TRANSPOSITION and IA No.128215/2017-impleading party)

SLP(C) No. 30997/2017 (XVII)
(WITH I.R.)

C.A. No. 20003/2017 (XVII)
(WITH IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3727/2018 (XVII)
(WITH I.R. and IA No.41950/2018-CONDONATION OF DELAY IN FILING and IA No.41952/2018-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 12667/2018 (XVII)
(WITH I.R.)

C.A. No. 6837-6838/2018 (XVII)

Diary No(s). 20540/2018 (XVII)
(WITH IA No.104959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.104957/2018-CONDONATION OF DELAY IN FILING APPEAL and IA No.104958/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 8524/2018 (XVII)

C.A. No. 10609/2018 (XVII)
(WITH IA No.141034/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 30270/2018 (XVII)
(WITH I.R. and IA No.164959/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 40477/2018 (XVII)
(WITH IA No.168354/2018-CONDONATION OF DELAY IN FILING and IA No.168355/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.168356/2018-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 51/2019 (X)
(WITH IA No.8597/2019-CLARIFICATION/DIRECTION)

Diary No(s). 1380/2019 (XVII)
(WITH IA No.14639/2019-CONDONATION OF DELAY IN FILING and IA No.14640/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.14641/2019-STAY APPLICATION)

Date : 07-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

Counsel for the parties:-

Counsel for the parties:-

Mr. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.
Ms. Abhipsa Anamika, Adv.

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

Lt. Col. Ajay Singh, Retd., Petitioner-in-person

Mr. Devendra Singh, AOR

Mr. Shubhranshu Padhi, AOR
P. Kavin Prabhu, Adv.
Gursimran Dhillon, Adv.
Mr. Ashish Yadav, Adv.

Mr. Rahul Narayan, AOR

Mr. Deepak Goel, AOR

Mr. Gaurav Bhatia, AOR

Mr. Pinaki Mishra, Sr. Adv.
Mr. Saket Sikri, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. E. C. Agrawala, AOR

Ms. Divya Roy, AOR
Mr. Manjit Ahluwalia, Adv.
Swarn Kumar, Adv.

Mrs. Rachana Joshi Issar, AOR

Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR

Mr. Vikas Mehta, AOR

Mr. A.P. Sinha, Adv.

Mr. Ajay Kumar Talesara, AOR

Mr. Sandeep Bajaj, Adv.

Ms. Aakanksha Nehra, Adv.

Ms. Nidhi Mohan Parashar, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. Nikhil Nayyar, AOR

Ms. Pritha Srikumar Iyer, Adv.

Mr. N. Sai Vinod, Adv.

Mr. Dhananjay Baijal, Adv.

Mr. Divyanshu Rai, Adv.

Mr. Kaushik Choudhury, AOR

Mr. Akarsh Garg, Adv.

Mr. Deepanshu Jain, Adv.

Ms. Sishmita Kumari, Adv.

Mr. Shaantanu Jain, Adv.

Mr. Aneesh Mittal, Adv.

Ms. Shreya Sharma, Adv.

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR

Madhav Dadhich, Adv.

Ms. Aswathi M.k., AOR

Mr. Ravindra Kumar, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Ayush Samaddar, Adv.

Mr. M.R. Shamshad, AOR

Mr. Gopal Jha, AOR

Mr. T.N. Singh, AOR

Mr. Anand Sanjay M. Nuli, Adv.

Mr. Dharm Singh, Adv.

Mr. Nanda Kumar, Adv.

for M/s. Nuli & Nuli

Mr. Harin P. Rawal, Sr. Adv.

Mr. Prashant Kumar, Adv.

Mr. Joseph Pookkatt, Adv.
Mr. Dhawesh Pahuja, Adv.
Ms. Charu Ambwani, Adv.

Mr. Shashibhushan Adgaonkar, AOR
Mr. Lalit Mohan, Adv.
Mr. Ekant Luthra, Adv.

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

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

Mr. Tarun Gupta, AOR

Mr. Venkateshwar Rao Anumolu, Adv.
Mr. Chandra Mohan Anisetty, Adv.
Mr. Anurag Jain, Adv.
Mr. Shashwat Goel, Adv.

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

Ms. Mridula Ray Bharadwaj, AOR

Ms. Vandana Surana, Adv.
Ms. Priya Kashyap, Adv.
Samta Jain, Adv.
G.D. Ahmed, Adv.
Mr. Rajesh Goel, AOR

Mr. S. Udaya Kumar Sagar, Adv.

Mr. Vijay Kumar, Adv.
Mr. Thomas Oommen, Adv.
Ms. Aniruddha P. Mayee, AOR

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.
Mr. Himanshu Yadav, Adv.
for Hingorani & Associates

Mr. Sukant Vikram, AOR

Ms. Suhasini Sen, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Chandra Shekhar Suman, Adv.
Mr. Nisarg Chaudhary, Adv.
Mr. B.V. Balaram Das, AOR
Ms. Praveena Gautam, Adv.
Mr. Rupesh Kumar, Adv.

Ms. Anil Katiyar, AOR

Ms. Gargi Khanna, Adv.
Mr. Krishan Raj, Adv.

Ms. Shilpa Chohan, Adv.
Mr. Jitender Chaudhary, Adv.
Mr. Rajesh Singh, Adv.

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
for M/s. Gagrat & Co.

Mr. Brijendra Singh, Adv.
Mr. Anoop Kr. Srivastav, Adv.
Mr. Ajeet Kr. Singh, Adv.
Mr. Kamaljeet Singh, Adv.

Mr. Abhay Kumar, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Himanshu Pal Singh, Adv.
Mr. Vineet Kr. Singh, Adv.

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

Mr. Balaji Srinivasan, AOR

Mr. Ashwarya Sinha, AOR

Mr. Roshan Santhalia, Adv.
Mr. Harsh Agrawal, Adv.

Ms. Uttara Babbar, Adv.
Ms. Bhavana Duhoon, Adv.

Ms. Geetanjali Mehlwal, Adv.
Mr. Mohit Yadav, Adv.
Mr. Sanveer Mehlwal, Adv.
Dr. Ravindra Chingale, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

Mr. Shish Pal Laler, Adv.
Mr. Sonit Sinhmar, Adv.

Ms. Medhya Ahluwalia, Adv.
Ms. Liz Mathew, Adv.

Mr. Parveen Kumar Agrawal, Adv.
Mr. Sanjay Jain, Adv.

Mr. Shamsravish Rein, Adv.
Mr. Maheravish Rein, Adv.
Mr. Aldanish Rein, Adv.
Divyajyoti Singh, Adv.

Mr. Tarun Satija, Adv.
Ms. Ashita Arora, Adv.
Mr. Prem Grover, Adv.
Mr. Vaibhav Nautiyal, Adv.
Mr. Manoj V. George, Adv.
Mr. Kamendra Mishra, AOR

Mr. Akul Mehandru, Adv.
For Mr. Deepak Anand, Adv.

Mr. Ghanshyam, Adv.
Mr. Devendra Singh, AOR

Mr. Shubhranshu Padhi, AOR

Mr. Rahul Narayan, AOR

Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Anshul Rai, Adv.
Mr. Awanish Kumar, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Pahlad Singh Sharma, AOR

A.V. Global Chambers, AOR
Mr. Abhishek Chaudhary, Adv.
Mr. Amit Singh, Adv.
Ms. Maithili S. Tripathi, Adv.
Mr. Sarwa Nanda Dubey, Adv.
Mr. Vikas Chaudhary, Adv.

Ms. Filza Moonir, Adv.

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

Mr. Bharat Sood, Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Ms. Shruti Jose, Adv.

Mr. Shish Pal Laler, Adv.
Mr. Johri Mal, Adv.

Mr. Sonit Sinhmar, Adv.

Mr. R. Chandrachud, Adv.

Mr. Sukrit Seth, Adv.

Mr. R. Vasanth, Adv.

Mr. Nitin Thukral, Adv.

Mr. Karan Sharma, Adv.

Mr. Keshav Mohan, Adv.

Mr. Rishi K. Awasthi, Adv.

Mr. Prashant Kumar, Adv.

Santosh Kumar-I, Adv.

Abhilasha Singh, Adv.

Mr. Sanket Tiwari, Adv.

Mr. M.R. Shamshed, Adv.

Ms. Prachi Johri, Adv.

Mr. B.K. Mishra, Adv.

Mr. Sourav Roy, Adv.

Ms. Shobha Gupta, Adv.

Ms. Rashi Bansal, AOR

Mr. Sunil Mittal, Adv.

Mr. Kshitij Mittal, Adv.

Mr. Anshul Mittal, Adv.

Mr. Sushant Bali, Adv.

Mr. B. Ragunath, Adv.

Mr. Sriram P., Adv.

Mr. Santhosh Krishnan, AOR

Mr. Yakesh Anand, Adv.

Mr. Nimit Mathur, Adv.

Mr. Rabindra Tiwari, Adv.

Mr. Arvind Gupta, Adv.

Mr. Manoj Prashad, Sr. Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Vinod Mehta, Adv.

Mr. Sadeep Choudhary, Adv.

Ms. Aishwarya Bhati, Adv.

Mr. Puspraj Singh, Adv.

Mr. B.M. Chatterjee, Sr. Adv.

Mr. S. Hariharan, Adv.

Jaikriti S. Jadeja, AOR

Mr. Huzefa Ahmadi, Sr. Adv.

Ms. Gauri Rishi, Adv.

Ms. Srishti Juneja, Adv.
Mr. Kedarnath Tripathy, Adv.

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

Mr. Kumud Lata Das, AOR
Mr. Ravi Agrawal, Adv.
Mr. Ravinder Kumar, Adv.

Mr. Ruchit Dagar, Adv.

Mr. Shivendra Dwivedi, Adv.
Mr. Akshay Sharma, Adv.

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

In pursuance of the previous order, Mr. Sameer Paranjape of M/s. Grant Thornton has made submissions before this Court. Mr. Paranjape explains that the position in regard to the forensic audit is as follows:

(i) 80% of the financial and operational records have been made available to the forensic auditors. Mr. Pinaki Misra, learned senior counsel appearing with Mr. Abhimanyu Bhandari, states that the balance shall be made available to the forensic auditors within one week from today;

(ii) The auditors were apprised initially that for 74 projects of UNITECH, there were 249 bank accounts. Of these, bank statements for 240 accounts have been received by the forensic auditors. However, it emerges that the moneys in 80% of the above bank accounts have been further transferred to another 100 accounts. A requisition has been made by the forensic auditors for

bank statements for all the above accounts. Mr. Pinaki Misra, learned senior counsel appearing with Mr. Abhimanyu Bhandari, states that the bank statements of all accounts shall be made available to the forensic auditors within a period of two weeks from today;

(iii) As regards forensic imaging of the electronic records of Directors and former officers, it has been stated that the work has been initiated and steps are being taken to contact the erstwhile CFOs of the company to retrieve all the electronic records.

We direct that the statements which have been made on behalf of the UNITECH be positively complied with within the time schedule, as indicated above. With reference to (iii) above, erstwhile CFOs shall cooperate with the auditors and make over all the data required. Any breach will be seriously viewed.

The learned *amicus curiae* has stated, in his status report, that M/s. Grant Thornton have submitted their invoice for professional fees due and payable on account of the work for valuation in connection with the Term Sheet Agreement which was entered into between UNITECH and Sterling & Wilson Pvt. Ltd. The amount is directed to be released to M/s Grant Thornton towards their professional fees of Rs 20,54,675 (inclusive of GST). This amount shall be released from the interest accrued on the FDs with the Registry of this Court. The *amicus curiae* is requested to follow up on this so that payments

are made to Grant Thornton.

FD Holders

We have perused the status report of the *amicus curiae*.

At this stage, we consider it appropriate if the learned *amicus curiae* furnishes further information to the Court in regard to the details of the FD holders with reference to (i) age; (ii) amounts or value of the fixed deposits.

Ex-employees

Mr. Pinaki Misra, learned senior counsel states that in compliance with the previous order dated 15 February 2019, all relevant data pertaining to the employees of the company as on 1 January 2014 shall be filed by tomorrow. We request the *amicus curiae* to file a comprehensive report in regard to the ex-employees after due consultation with the learned counsel appearing on behalf of the employees in these proceedings.

Cr1.M.P. No.34209 of 2019 in SLP(Cr1.) Nos.5978-79/2017

Application for impleadment of the Central Board of Trustees, Employees Provident Fund Organization is allowed.

Cr1.M.P. No.34210 of 2019 in SLP(Cr1.) Nos.5978-79/2017

Mr. Pinaki Misra, learned senior counsel has prayed for a week's time for instructions and, if necessary, to file a response to the application for directions.

In pursuance of the order dated 20 February 2019 in Civil Appeal No.11108 of 2016, an amount of Rs 50 lakhs has been deposited in the Registry. The amount be kept in a fixed deposit in a nationalized bank initially for a period of three months which may be renewed from time to time.

The office report dated 6 March 2019 indicates that an amount of Rs 2 crores has been deposited by Mr. Pawanshree Agrawal. The amount be kept in a fixed deposit in a nationalized bank initially for a period of three months which may be renewed from time to time.

List on 4 April 2019 at 3.00 p.m.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

ITEM NO.802

COURT NO.11

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)

Date : 14-03-2019 SLP(Cr1) No. 5978-5979/2017 was mentioned today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTAFor Appellant(s) Mr. Abhinav Agarwal, Adv. (mentioned by)
for Mr. E.C. Agrawala, Adv.Ms. Priyanjali Singh, AOR
Petitioner-in-person
Mr. Devendra Singh, AOR
Mr. Shubhranshu Padhi, AOR
Mr. Rahul Narayan, AOR
Mr. Aishwarya Bhati, AOR
Mr. Deepak Goel, AOR
Mr. Pawanshree Agrawal, AOR
Mr. Gaurav Bhatia, AOR
Mr. E. C. Agrawala, AOR
Ms. Divya Roy, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Himanshu Shekhar, AOR
Mr. Rahul Shyam Bhandari, AOR
Mr. Awanish Kumar, AOR
Mr. Vikas Mehta, AOR
Mr. Ajay Kumar Talesara, AOR
Ms. Aswathi M.k., AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Pahlad Singh Sharma, AOR
Mr. Kamendra Mishra, AOR
Ms. Uttara Babbar, AOR

For Respondent(s)

Mr. E. C. Agrawala, AOR
Mr. B. V. Balaram Das, AOR
Mr. Nikhil Nayyar, AOR
Mr. Kaushik Choudhury, AOR

Mr. Rahul Kaushik, AOR
Mr. Avinash Sharma, AOR
Ms. Aswathi M.k., AOR

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

On being mentioned, taken on board.

Mr. Abhinav Agarwal, learned counsel for the petitioners, states that a sum of Rs 4,11,45,052 is ready to be deposited in the Registry of this Court following the directions of Justice Dhingra Committee.

The amount be deposited in the Registry and invested in a short-term fixed deposit in a nationalized bank, pending further orders of this Court.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

ITEM NO.801

COURT NO.11

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

SLP(Crl) No. 5978-5979/2017 (II-C) (Mentioned)

Date : 01-04-2019 These petitions were mentioned today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Ms. Priyanjali Singh, AOR
Petitioner-in-person
Mr. Devendra Singh, AOR
Mr. Shubhranshu Padhi, AOR
Mr. Rahul Narayan, AOR
Mr. Aishwarya Bhati, AOR
Mr. Deepak Goel, AOR
Mr. Pawanshree Agrawal, AOR
Mr. Gaurav Bhatia, AOR
Mr. E. C. Agrawala, AOR
Ms. Divya Roy, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Himanshu Shekhar, AOR
Mr. Rahul Shyam Bhandari, AOR
Mr. Awanish Kumar, AOR
Mr. Vikas Mehta, AOR
Mr. Ajay Kumar Talesara, AOR
Ms. Aswathi M.k., AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Pahlad Singh Sharma, AOR
Mr. Kamendra Mishra, AOR
Ms. Uttara Babbar, AOR

For Respondent(s)

Mr. E. C. Agrawala, AOR
Mr. B. V. Balaram Das, AOR
Mr. Nikhil Nayyar, AOR

Mr. Kaushik Choudhury, AOR
Mr. Rahul Kaushik, AOR
Mr. Avinash Sharma, AOR
Ms. Aswathi M.k., AOR

UPON being mentioned, the Court made the following
O R D E R

SLP(Cr1) No. 5978-5979/2017

Permission is granted to deposit a demand draft of Rs 5 crores pursuant to the order dated 30 October 2017, during the course of the day.

Registry is directed to invest the amount of Rs 5 crores in a short term Fixed Deposit of a nationalised bank, initially for a period of three months.

(MANISH SETHI)
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

ITEM NO.801

COURT NO.11

SECTION OTHERS

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

Civil Appeal No(s). 10851/2016

(IA D.No. 74495 and IA No. 74496 of 2019)

SLP(Cr1.) Nos. 5978-5979/2017

Date : 07-05-2019 These matters were mentioned today

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s) Mr. Pawanshree Agrawal, A.C. (Mentioned by)
Mr. Deepak Goel, AOR
Mr. Vikas Mehta, AOR
Ms. Divya Roy, AOR

For Respondent(s) Mr. E. C. Agrawala, AOR (Mentioned by)

Mr. Krishna Kumar Singh, Adv. (Mentioned by)

UPON the matters being mentioned the Court made the following
O R D E R

Civil Appeal No. 10856 of 2016

List with all the connected matters on 9 May 2019 at 2.00 p.m.

SLP(Cr1.) Nos. 5978-5979/2017

Permission is granted to deposit an amount of Rs 5,00,00,000
(Rupees Five Crores) in pursuance of the Order dated 30 October
2017.

I.A. D. Nos. 74495 and 74496 of 2019 in Civil Appeal No(s).
10851/2016

To be listed along with Civil Appeal No. 10856 of 2016

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

REVISED

ITEM NO.301

COURT NO.11

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

I.A. NOS. 163357/2018-CLARIFICATION/DIRECTION,
185446/2018-INTERVENTION/IMPLEADMENT
185448/2018-EXEMPTION FROM FILING O.T.,
185449/2018-EXTENSION OF TIME,
16860/2019-INTERVENTION/IMPLEADMENT,
24639/2019-INTERVENTION/IMPLEADMENT,
24645/2019-INTERVENTION/IMPLEADMENT,
29729/2019-INTERVENTION/IMPLEADMENT,
70267/2019-INTERVENTION/IMPLEADMENT,
76037/2019-INTERVENTION/IMPLEADMENT,
76050/2019-CLARIFICATION/DIRECTION,
76055/2019-APPLICATION FOR PERMISSION.

WITH

SLP(C) No. 9572/2007 (XI)
FOR ON IA 1/2007

FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011
FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013
FOR EXEMPTION FROM FILING O.T. ON IA 12/2013
FOR [PERMISSION TO FILE ANNEXURES] ON IA 11/2013
FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016
FOR CLARIFICATION/DIRECTION ON IA 35051/2019)

C.A. No. 11108/2016 (XVII)

I.A. NO. 2/2016-APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS.

I.A. NO. 8196/2019- APPROPRIATE ORDERS/DIRECTIONS.

I.A. NO. 168352/2018- APPROPRIATE ORDERS

I.A. NO. 86487/2018- CLARIFICATION/DIRECTION

I.A. NO. 148794/2018-CLARIFICATION/DIRECTION

I.A. NO. 106354/2018-CLARIFICATION/DIRECTION

I.A. NO. 86494/2018-CLARIFICATION/DIRECTION

I.A. NO. 86492/2018- INTERVENTION APPLICATION

I.A. NO. 148790/2018-INTERVENTION APPLICATION

I.A. NO. 106352/2018- INTERVENTION APPLICATION

I.A. NO. 6125/2019-INTERVENTION APPLICATION

C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PER

C.A. No. 2511-2526/2017 (XVII)

S.L.P. (C) ...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

I.A. ;NO. 53934/2017- CLARIFICATION/DIRECTION

C.A. No. 5674/2017 (XVII)

C.A. No. 9391-9404/2017 (XVII)

I.A. NO. 60512/2017-APPROPRIATE ORDERS/DIRECTIONS

I.A. NO. 98431/2017- INTERNVENTION/IMPLEADMENT

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

SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
 CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
 IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION
 IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 29029/2018 - CLARIFICATION/DIRECTION
IA No. 45689/2018 - CLARIFICATION/DIRECTION
IA No. 72035/2018 - CLARIFICATION/DIRECTION
IA No. 148645/2018 - CLARIFICATION/DIRECTION
IA No. 165205/2018 - CLARIFICATION/DIRECTION
IA No. 31376/2019 - CLARIFICATION/DIRECTION
IA No. 368/2018 - CLARIFICATION/DIRECTION
IA No. 43789/2018 - CLARIFICATION/DIRECTION
IA No. 63414/2018 - CLARIFICATION/DIRECTION
IA No. 72149/2018 - CLARIFICATION/DIRECTION
IA No. 97616/2018 - CLARIFICATION/DIRECTION
IA No. 86305/2017 - CLARIFICATION/DIRECTION
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IA No. 134686/2018 - CLARIFICATION/DIRECTION
IA No. 21223/2019 - CLARIFICATION/DIRECTION
IA No. 13047/2018 - CLARIFICATION/DIRECTION
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IA No. 38156/2018 - CLARIFICATION/DIRECTION
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IA No. 129870/2018 - INTERVENTION/IMPLEADMENT
IA No. 107191/2017 - INTERVENTION/IMPLEADMENT

IA No. 122885/2017 - INTERVENTION/IMPLEADMENT
 IA No. 176545/2018 - MODIFICATION
 IA No. 176528/2018 - MODIFICATION
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT
 CERTIFIED/PLAIN COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE

C.A. No. 11008/2017 (XVII)
 (IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
 No.85519/2017-INTERVENTION/IMPLEADMENT and IA
 No.85880/2017-INTERVENTION/IMPLEADMENT and IA
 No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE
 ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF
 RESPONDENT)

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

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018)

C.A. No. 16858/2017 (XVII)
 IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT

C.A. No. 20003/2017 (XVII)
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)

C.A. No. 3727/2018 (XVII)
 I.A. NO. 41952/2018- APPROPRIATE ORDERS/DIRECTIONS

C.A. No. 6837-6838/2018 (XVII)
 I.A. NO. 82490/2018- EX-PARTE INTERIM DIRECTION

SLP(C) No. 12667/2018 (XVII)
 I.A. NO. 127173/2018- CLARIFICATION/DIRECTION
 I.A. NO. 127169/2018- INTERVENTION/IMPLEADMENT.

Diary No(s). 20540/2018 (XVII)
 I.A. NO. 104957/2018- CONDONATION OF DELAY IN FILING APPEAL
 I.A. NO. 104958/2018- CONDONATION OF DELAY IN REFILING.

C.A. No. 8524/2018 (XVII)
 I.A. NO. 111987/2018- CLARIFICATION/DIRECTION

C.A. No. 10609/2018 (XVII)

SLP(C) No. 30270/2018 (XVII)

Diary No(s). 40477/2018 (XVII)
 I.A. NO. 168356/2018- APPROPRIATE ORDERS/DIRECTIONS
 I.A. NO. 168354/2018-CONDONATION OF DELAY IN FILING
 I.A. NO. 16855/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

W.P. (C) No. 51/2019 (X)
 I.A. NO. 8597/2019- CLARIFICATION/DIRECTION.

Diary No(s). 1380/2019 (XVII)
I.A. NO. 14639/2019- CONDONATION OF DELAY IN FILING
I.A. NO. 14640/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT.

Diary No(s). 4454/2019 (XVII)
I.A. NO. 30656/2019- CONDONATION OF DELAY IN FILING
I.A. NO. 30657/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT.

C.A. No. 3236/2019 (XVII)

C.A. No. 3269/2019 (XVII)
I.A. NO. 51514/2019-APPROPRIATE ORDERS/DIRECTIONS.

C.A. No. 3935/2019 (XVII)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII)
I.A. NO. 68265/2019-APPROPRIATE ORDERS/DIRECTIONS.
I.A. NO. 68264/2019-CONDONATION OF DELAY IN FILING APPEAL.

Diary No(s). 13969/2019 (XVII)
(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
IN FILING)

Date : 09-05-2019 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE M.R. SHAH

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

During the course of hearing, Mr. Paranjape and Mr. Nitin Talwar have appeared on behalf of the forensic auditors, M/s. Grant Thornton. They have furnished to the Court a status update of the forensic audit of Unitech Limited which is being carried out by them. The status report contains the preliminary observations of the Auditors particularly on the following aspects:

(i) The extent of cooperation extended to them by the management and officials of Unitech Limited;

(ii) Review of electronic information furnished by the present and former officials including the Chief Financial Officer;

(iii) Availability of bank account statements; and

(iv) Availability of financial and operational records.

Besides this, the status report has indicated preliminary observations on the analysis of the money trail.

The status report makes it evident that the forensic auditors have not been provided with complete recourse to the electronic records including those which were in the possession and custody of the Chief Financial Officer(s). In the absence of a complete availability of the electronic

records to the forensic auditors, their task has been severely undermined and obstructed. As a consequence, effective implementation of the order which had been passed by this Court for undertaking a forensic audit has been thwarted. We appreciate the difficulties which are being faced by the forensic auditors and the earnest efforts which have been made by them to provide as complete a picture as possible on the basis of the available records. Mr. Nitin Talwar, representing M/s. Grant Thornton has apprised the Court that since January 2019, he, together with his team of personnel, has been stationed only for completing the assignment which has been entrusted by the Court.

In the course of the earlier proceedings, this Court had made available certain facilities to Shri Sanjay Chandra and Ajay Chandra, Directors of M/s. Unitech Limited, who are presently lodged in Tihar Jail. The facilities which have been granted to the aforesaid two Directors shall stand revoked forthwith. They shall not be entitled to any additional facilities apart from those which are available in the normal course in terms of the Jail Manual. This direction shall take effect immediately. A copy of the present order shall be forwarded by the Registrar(Judicial) to the Jail Superintendent of Tihar Central Jail.

In the present state of affairs, the Court may be left

with no alternative but to now entrust the investigation of the case to the Central Bureau of Investigation.

In addition, it has become necessary to request the learned Attorney General for India to render his assistance to the Court with a view to explore whether the entire process of completing the unfinished construction projects as well as the management of the company can be suitably taken over and entrusted to an agency to be nominated by the union Government so as to fulfill the obligations due to the home buyers. The home buyers who have invested their life saving have been left in the lurch. We would request the learned Attorney General for India to assist the Court on this aspect of the matter.

We also direct, in the meantime, that sixty seven banks to whom a request has been made by the forensic auditors for providing bank statements shall do so within a period of two weeks from the date of receipt of this order.

We grant one final indulgence, in the meantime, to the Directors and the present Chief Financial Officer of Unitech Ltd. to comply with all the requisitions which may be submitted by the forensic auditors. The forensic auditors are requested to communicate their requisitions not later than by 06.00 p.m. tomorrow. These requisitions shall be complied with within a period of two weeks from today.

We would appreciate if the learned Attorney General for India can convene a meeting at an appropriate senior level of the union Government to apprise the Court of the course of action which the Government would seek to pursue, to tide over the difficult situation in which the home buyers have been placed and to protect the interests of all stakeholders.

A copy of this order may be communicated to the learned Attorney General for India by learned Amicus Curiae.

List the matters on 05 July 2019 at 02.00 p.m.

This order shall not, in any manner, affect the existing assignment which has been entrusted to M/s. Grant Thornton who shall continue with the work.

Learned Amicus Curiae is directed to disburse payment against the invoice submitted by Grant Thornton on 11 April 2019 a copy of which is annexed with the Status report submitted by the Amicus Curiae on 09 May 2019. The amount may be released by the Registry from out of the interest which has accrued.

The learned Amicus Curiae has drawn the attention of the Court to the E-Auction notice issued on behalf of the Municipal Corporation, Gurgaon under Section 130 of the Haryana Municipal Corporation Act, 1994. The properties at

serial nos. 31,32, and 36 listed out in the auction notice belong to Unitech Ltd. or its subsidiaries. The auction of the above three properties is stayed till the next date of the listing of the matters.

Issue notice to the Municipal Corporation, Gurgaon, returnable on 05 July 2019.

Learned Amicus Curiae is granted permission to open the Web Portal for two weeks so as to give an opportunity to home buyers who have been left out and who have decrees or adjudicatory orders in their favour. A separate section shall be opened on the Web Portal in order to enable the ex-employees to lodge claims.

An amount of Rs. 5,00,000/- (Rupees Five Lakhs only) shall be disbursed to the Amicus Curiae on account of the expenses incurred for the purposes of the Web Portal and other allied expenses.

On the request of the learned counsel appearing on behalf of the EPFO, we clarify that the direction which has been issued by this Court imposing a restraint on coercive steps shall not come in the way of the appropriate court or, as the case may be, authority imposing such conditions, if any, contemplated under the law while seeking recourse to remedies.

CrI.M.P. Nos. 78607/2019 & 78609/2019

Taken on Board.

No change of circumstances made out.

We see no reason to entertain these Criminal Miscellaneous Petitions. The Criminal Miscellaneous Petitions are dismissed.

(ASHWANI KUMAR)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.11

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

I.A. NOS. 163357/2018-CLARIFICATION/DIRECTION,
185446/2018-INTERVENTION/IMPLEADMENT
185448/2018-EXEMPTION FROM FILING O.T.,
185449/2018-EXTENSION OF TIME,
16860/2019-INTERVENTION/IMPLEADMENT,
24639/2019-INTERVENTION/IMPLEADMENT,
24645/2019-INTERVENTION/IMPLEADMENT,
29729/2019-INTERVENTION/IMPLEADMENT,
70267/2019-INTERVENTION/IMPLEADMENT,
76037/2019-INTERVENTION/IMPLEADMENT,
76050/2019-CLARIFICATION/DIRECTION,
76055/2019-APPLICATION FOR PERMISSION.

WITH

SLP(C) No. 9572/2007 (XI)
(N.M.D.

FOR ON IA 1/2007

FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011

FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013

FOR EXEMPTION FROM FILING O.T. ON IA 12/2013

FOR [PERMISSION TO FILE ANNEXURES] ON IA 11/2013

FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016

FOR CLARIFICATION/DIRECTION ON IA 35051/2019)

C.A. No. 11108/2016 (XVII)

I.A. NO. 2/2016-APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS.

I.A. NO. 8196/2019- APPROPRIATE ORDERS/DIRECTIONS.

I.A. NO. 168352/2018- APPROPRIATE ORDERS

I.A. NO. 86487/2018- CLARIFICATION/DIRECTION

I.A. NO. 148794/2018-CLARIFICATION/DIRECTION

I.A. NO. 106354/2018-CLARIFICATION/DIRECTION

I.A. NO. 86494/2018-CLARIFICATION/DIRECTION

I.A. NO. 86492/2018- INTERVENTION APPLICATION

I.A. NO. 148790/2018-INTERVENTION APPLICATION

I.A. NO. 106352/2018- INTERVENTION APPLICATION

I.A. NO. 6125/2019-INTERVENTION APPLICATION

C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PER

C.A. No. 2511-2526/2017 (XVII)

S.L.P. (C) ...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

I.A. ;NO. 53934/2017- CLARIFICATION/DIRECTION

C.A. No. 5674/2017 (XVII)

C.A. No. 9391-9404/2017 (XVII)

I.A. NO. 60512/2017-APPROPRIATE ORDERS/DIRECTIONS

I.A. NO. 98431/2017- INTERNVENTION/IMPLEADMENT

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

SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
 CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
 IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION
 IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 29029/2018 - CLARIFICATION/DIRECTION
IA No. 45689/2018 - CLARIFICATION/DIRECTION
IA No. 72035/2018 - CLARIFICATION/DIRECTION
IA No. 148645/2018 - CLARIFICATION/DIRECTION
IA No. 165205/2018 - CLARIFICATION/DIRECTION
IA No. 31376/2019 - CLARIFICATION/DIRECTION
IA No. 368/2018 - CLARIFICATION/DIRECTION
IA No. 43789/2018 - CLARIFICATION/DIRECTION
IA No. 63414/2018 - CLARIFICATION/DIRECTION
IA No. 72149/2018 - CLARIFICATION/DIRECTION
IA No. 97616/2018 - CLARIFICATION/DIRECTION
IA No. 86305/2017 - CLARIFICATION/DIRECTION
IA No. 115433/2018 - CLARIFICATION/DIRECTION
IA No. 121642/2017 - CLARIFICATION/DIRECTION
IA No. 137522/2017 - CLARIFICATION/DIRECTION
IA No. 137547/2017 - CLARIFICATION/DIRECTION
IA No. 26582/2018 - CLARIFICATION/DIRECTION
IA No. 51299/2018 - CLARIFICATION/DIRECTION
IA No. 71484/2018 - CLARIFICATION/DIRECTION
IA No. 72489/2018 - CLARIFICATION/DIRECTION
IA No. 96561/2018 - CLARIFICATION/DIRECTION
IA No. 128559/2018 - CLARIFICATION/DIRECTION
IA No. 134686/2018 - CLARIFICATION/DIRECTION
IA No. 21223/2019 - CLARIFICATION/DIRECTION
IA No. 13047/2018 - CLARIFICATION/DIRECTION
IA No. 23580/2018 - CLARIFICATION/DIRECTION
IA No. 23876/2018 - CLARIFICATION/DIRECTION
IA No. 41514/2018 - CLARIFICATION/DIRECTION
IA No. 51294/2018 - CLARIFICATION/DIRECTION
IA No. 67003/2018 - CLARIFICATION/DIRECTION
IA No. 88565/2018 - CLARIFICATION/DIRECTION
IA No. 113585/2018 - CLARIFICATION/DIRECTION
IA No. 115153/2018 - CLARIFICATION/DIRECTION
IA No. 91001/2017 - CLARIFICATION/DIRECTION
IA No. 141369/2018 - CLARIFICATION/DIRECTION
IA No. 123132/2017 - CLARIFICATION/DIRECTION
IA No. 135534/2017 - CLARIFICATION/DIRECTION
IA No. 137540/2017 - CLARIFICATION/DIRECTION
IA No. 38156/2018 - CLARIFICATION/DIRECTION
IA No. 62930/2018 - CLARIFICATION/DIRECTION
IA No. 71472/2018 - CLARIFICATION/DIRECTION
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IA No. 135964/2018 - CLARIFICATION/DIRECTION
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IA No. 23739/2018 - INTERVENTION/IMPLEADMENT
IA No. 51222/2018 - INTERVENTION/IMPLEADMENT
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IA No. 123118/2017 - INTERVENTION/IMPLEADMENT
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IA No. 66087/2018 - INTERVENTION/IMPLEADMENT
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IA No. 129870/2018 - INTERVENTION/IMPLEADMENT
IA No. 107191/2017 - INTERVENTION/IMPLEADMENT

IA No. 122885/2017 - INTERVENTION/IMPLEADMENT
 IA No. 176545/2018 - MODIFICATION
 IA No. 176528/2018 - MODIFICATION
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT
 CERTIFIED/PLAIN COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE

C.A. No. 11008/2017 (XVII)
 (IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
 No.85519/2017-INTERVENTION/IMPLEADMENT and IA
 No.85880/2017-INTERVENTION/IMPLEADMENT and IA
 No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE
 ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF
 RESPONDENT)

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

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018)

C.A. No. 16858/2017 (XVII)
 IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT

C.A. No. 20003/2017 (XVII)
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)

C.A. No. 3727/2018 (XVII)
 I.A. NO. 41952/2018- APPROPRIATE ORDERS/DIRECTIONS

C.A. No. 6837-6838/2018 (XVII)
 I.A. NO. 82490/2018- EX-PARTE INTERIM DIRECTION

SLP(C) No. 12667/2018 (XVII)
 I.A. NO. 127173/2018- CLARIFICATION/DIRECTION
 I.A. NO. 127169/2018- INTERVENTION/IMPLEADMENT.

Diary No(s). 20540/2018 (XVII)
 I.A. NO. 104957/2018- CONDONATION OF DELAY IN FILING APPEAL
 I.A. NO. 104958/2018- CONDONATION OF DELAY IN REFILING.

C.A. No. 8524/2018 (XVII)
 I.A. NO. 111987/2018- CLARIFICATION/DIRECTION

C.A. No. 10609/2018 (XVII)

SLP(C) No. 30270/2018 (XVII)

Diary No(s). 40477/2018 (XVII)
 I.A. NO. 168356/2018- APPROPRIATE ORDERS/DIRECTIONS
 I.A. NO. 168354/2018-CONDONATION OF DELAY IN FILING
 I.A. NO. 16855/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

W.P. (C) No. 51/2019 (X)
 I.A. NO. 8597/2019- CLARIFICATION/DIRECTION.

Diary No(s). 1380/2019 (XVII)
I.A. NO. 14639/2019- CONDONATION OF DELAY IN FILING
I.A. NO. 14640/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT.

Diary No(s). 4454/2019 (XVII)
I.A. NO. 30656/2019- CONDONATION OF DELAY IN FILING
I.A. NO. 30657/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT.

C.A. No. 3236/2019 (XVII)

C.A. No. 3269/2019 (XVII)
I.A. NO. 51514/2019-APPROPRIATE ORDERS/DIRECTIONS.

C.A. No. 3935/2019 (XVII)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII)
I.A. NO. 68265/2019-APPROPRIATE ORDERS/DIRECTIONS.
I.A. NO. 68264/2019-CONDONATION OF DELAY IN FILING APPEAL.

Diary No(s). 13969/2019 (XVII)
(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
IN FILING)

Date : 09-05-2019 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE M.R. SHAH

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Mr.R.N.Parek, Adv.
Mr.Anoop Kr.Srivastav, Adv.

Mr.Anant Bhushan, Adv.

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

During the course of hearing, Mr. Paranjape and Mr. Nitin Talwar have appeared on behalf of the forensic auditors, M/s. Grant Thornton. They have furnished to the Court a status update of the forensic audit of Unitech Limited which is being carried out by them. The status report contains the preliminary observations of the Auditors particularly on the following aspects:

(i) The extent of cooperation extended to them by the management and officials of Unitech Limited;

(ii) Review of electronic information furnished by the present and former officials including the Chief Financial Officer;

(iii) Availability of bank account statements; and

(iv) Availability of financial and operational records.

Besides this, the status report has indicated preliminary observations on the analysis of the money trail.

The status report makes it evident that the forensic auditors have not been provided with complete recourse to the electronic records including those which were in the possession and custody of the Chief Financial Officer(s). In the absence of a complete availability of the electronic

records to the forensic auditors, their task has been severely undermined and obstructed. As a consequence, effective implementation of the order which had been passed by this Court for undertaking a forensic audit has been thwarted. We appreciate the difficulties which are being faced by the forensic auditors and the earnest efforts which have been made by them to provide as complete a picture as possible on the basis of the available records. Mr. Nitin Talwar, representing M/s. Grant Thornton has apprised the Court that since January 2019, he, together with his team of personnel, has been stationed only for completing the assignment which has been entrusted by the Court.

In the course of the earlier proceedings, this Court had made available certain facilities to Shri Sanjay Chandra and Ajay Chandra, Directors of M/s. Unitech Limited, who are presently lodged in Tihar Jail. The facilities which have been granted to the aforesaid two Directors shall stand revoked forthwith. They shall not be entitled to any additional facilities apart from those which are available in the normal course in terms of the Jail Manual. This direction shall take effect immediately. A copy of the present order shall be forwarded by the Registrar(Judicial) to the Jail Superintendent of Tihar Central Jail.

In the present state of affairs, the Court may be left

with no alternative but to now entrust the investigation of the case to the Central Bureau of Investigation.

In addition, it has become necessary to request the learned Attorney General for India to render his assistance to the Court with a view to explore whether the entire process of completing the unfinished construction projects as well as the management of the company can be suitably taken over and entrusted to an agency to be nominated by the union Government so as to fulfill the obligations due to the home buyers. The home buyers who have invested their life saving have been left in the lurch. We would request the learned Attorney General for India to assist the Court on this aspect of the matter.

We also direct, in the meantime, that sixty seven banks to whom a request has been made by the forensic auditors for providing bank statements shall do so within a period of two weeks from the date of receipt of this order.

We grant one final indulgence, in the meantime, to the Directors and the present Chief Financial Officer of Unitech Ltd. to comply with all the requisitions which may be submitted by the forensic auditors. The forensic auditors are requested to communicate their requisitions not later than by 06.00 p.m. tomorrow. These requisitions shall be complied with within a period of two weeks from today.

We would appreciate if the learned Attorney General for India can convene a meeting at an appropriate senior level of the union Government to apprise the Court of the course of action which the Government would seek to pursue, to tide over the difficult situation in which the home buyers have been placed and to protect the interests of all stakeholders.

A copy of this order may be communicated to the learned Attorney General for India by learned Amicus Curiae.

List the matters on 05 July 2019 at 02.00 p.m.

This order shall not, in any manner, affect the existing assignment which has been entrusted to M/s. Grant Thornton who shall continue with the work.

Learned Amicus Curiae is directed to disburse payment against the invoice submitted by Grant Thornton on 11 April 2019 a copy of which is annexed with the Status report submitted by the Amicus Curiae on 09 May 2019. The amount may be released by the Registry from out of the interest which has accrued.

The learned Amicus Curiae has drawn the attention of the Court to the E-Auction notice issued on behalf of the Municipal Corporation, Gurgaon under Section 130 of the Haryana Municipal Corporation Act, 1994. The properties at

serial nos. 31,32, and 36 listed out in the auction notice belong to Unitech Ltd. or its subsidiaries. The auction of the above three properties is stayed till the next date of the listing of the matters.

Issue notice to the Municipal Corporation, Gurgaon, returnable on 05 July 2019.

Learned Amicus Curiae is granted permission to open the Web Portal for two weeks so as to give an opportunity to home buyers who have been left out and who have decrees or adjudicatory orders in their favour. A separate section shall be opened on the Web Portal in order to enable the ex-employees to lodge claims.

An amount of Rs. 5,00,000/- (Rupees Five Lakhs only) shall be disbursed to the Amicus Curiae on account of the expenses incurred for the purposes of the Web Portal and other allied expenses.

On the request of the learned counsel appearing on behalf of the EPFO, we clarify that the direction which has been issued by this Court imposing a restraint on coercive steps shall not come in the way of the appropriate court or, as the case may be, authority imposing such conditions, if any, contemplated under the law while seeking recourse to remedies.

Cr1.M.P. No. 72607/2019

Taken on Board.

No change of circumstances made out.

We see no reason to entertain this Criminal Miscellaneous
Petition. The Criminal Miscellaneous Petition is dismissed.

(ASHWANI KUMAR)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

REVISED

ITEM NO.301

COURT NO.10

SECTION XVII

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

Civil Appeal No(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 76055/2019 - APPLICATION FOR PERMISSION
 IA No. 76050/2019 - CLARIFICATION/DIRECTION
 IA No. 163357/2018 - CLARIFICATION/DIRECTION
 IA No. 185448/2018 - EXEMPTION FROM FILING O.T.
 IA No. 185449/2018 - EXTENSION OF TIME
 IA No. 76037/2019 - INTERVENTION APPLICATION
 IA No. 24645/2019 - INTERVENTION APPLICATION
 IA No. 24639/2019 - INTERVENTION APPLICATION
 IA No. 16860/2019 - INTERVENTION/IMPLEADMENT
 IA No. 185446/2018 - INTERVENTION/IMPLEADMENT
 IA No. 70267/2019 - INTERVENTION/IMPLEADMENT
 IA No. 29729/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(FOR ON IA 1/2007 FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013 FOR EXEMPTION FROM
 FILING O.T. ON IA 12/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA
 11/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016 FOR
 CLARIFICATION/DIRECTION ON IA 35051/2019

IA No. 35051/2019 - CLARIFICATION/DIRECTION
 IA No. 12/2013 - EXEMPTION FROM FILING O.T.
 IA No. 11/2013 - PERMISSION TO FILE ANNEXURES
 IA No. 10/2013 - PERMISSION TO FILE ANNEXURES
 IA No. 9/2011 - PERMISSION TO FILE ANNEXURES
 IA No. 13/2016 - PERMISSION TO FILE ANNEXURES)
 C.A. No. 11108/2016 (XVII)

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS
 IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 86494/2018 - CLARIFICATION/DIRECTION
 IA No. 86487/2018 - CLARIFICATION/DIRECTION
 IA No. 148794/2018 - CLARIFICATION/DIRECTION
 IA No. 106354/2018 - CLARIFICATION/DIRECTION
 IA No. 86492/2018 - INTERVENTION APPLICATION
 IA No. 148790/2018 - INTERVENTION APPLICATION
 IA No. 106352/2018 - INTERVENTION APPLICATION

IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)
C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
IA No. 23396/2018 - CLARIFICATION/DIRECTION
IA No. 29665/2019 - CLARIFICATION/DIRECTION
IA No. 138022/2018 - CLARIFICATION/DIRECTION
IA No. 74496/2019 - CLARIFICATION/DIRECTION
IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
IA No. 89520/2018 - I.A. FOR DIRECTION
IA No. 51916/2019 - INTERVENTION APPLICATION
IA No. 129613/2018 - INTERVENTION APPLICATION
IA No. 49108/2018 - INTERVENTION APPLICATION
IA No. 117001/2018 - INTERVENTION APPLICATION
IA No. 29804/2019 - INTERVENTION APPLICATION
IA No. 86677/2018 - INTERVENTION APPLICATION
IA No. 138019/2018 - INTERVENTION APPLICATION
IA No. 66018/2018 - INTERVENTION APPLICATION
IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)
C.A. No. 2511-2526/2017 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
IA No. 23396/2018 - CLARIFICATION/DIRECTION
IA No. 29665/2019 - CLARIFICATION/DIRECTION
IA No. 138022/2018 - CLARIFICATION/DIRECTION
IA No. 74496/2019 - CLARIFICATION/DIRECTION
IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
IA No. 89520/2018 - I.A. FOR DIRECTION
IA No. 51916/2019 - INTERVENTION APPLICATION
IA No. 129613/2018 - INTERVENTION APPLICATION
IA No. 49108/2018 - INTERVENTION APPLICATION
IA No. 117001/2018 - INTERVENTION APPLICATION
IA No. 29804/2019 - INTERVENTION APPLICATION
IA No. 86677/2018 - INTERVENTION APPLICATION
IA No. 138019/2018 - INTERVENTION APPLICATION
IA No. 66018/2018 - INTERVENTION APPLICATION
IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)
S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

- IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))
C.A. No. 5174-5181/2017 (XVII)
- IA No. 53934/2017 - CLARIFICATION/DIRECTION)
C.A. No. 5674/2017 (XVII)
- IA No. 53934/2017 - CLARIFICATION/DIRECTION)
C.A. No. 9391-9404/2017 (XVII)
- IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)
C.A. No. 15493/2017 (XVII)
- IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)
SLP(Cr1) No. 5978-5979/2017 (II-C)
- IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
- IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION
- IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 55250/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 49475/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 102172/2018 - CLARIFICATION/DIRECTION
- IA No. 115449/2018 - CLARIFICATION/DIRECTION
- IA No. 118046/2018 - CLARIFICATION/DIRECTION
- IA No. 134971/2018 - CLARIFICATION/DIRECTION
- IA No. 115336/2017 - CLARIFICATION/DIRECTION
- IA No. 63391/2019 - CLARIFICATION/DIRECTION
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IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
COPY OF IMPUGNED ORDER
IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
IA No. 72068/2018 - RECALLING THE COURTS ORDER
IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE
IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)
C.A. No. 11008/2017 (XVII)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-
INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and
IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
No.98117/2017-DELETING THE NAME OF RESPONDENT
IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION
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 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
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 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
 COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)
 C.A. No. 17008-17011/2017 (XVII)
 (and
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018

FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018
 IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION
 IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS
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 IA No. 15770/2018 - CLARIFICATION/DIRECTION
 IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 55457/2018 - INTERVENTION/IMPLEADMENT
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 IA No. 93352/2018 - INTERVENTION/IMPLEADMENT
 IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
 C.A. No. 16858/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)
 C.A. No. 20003/2017 (XVII)
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS
 IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)
 SLP(C) No. 30997/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION
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 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)
 C.A. No. 3727/2018 (XVII)

IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)
 C.A. No. 6837-6838/2018 (XVII)

IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)
SLP(C) No. 12667/2018 (XVII)

IA No. 127173/2018 - CLARIFICATION/DIRECTION
IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)
Diary No(s). 20540/2018 (XVII)

IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL
IA No. 104958/2018 - CONDONATION OF DELAY IN REFILING)
C.A. No. 8524/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)
C.A. No. 10609/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)
SLP(C) No. 30270/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)
Diary No(s). 40477/2018 (XVII)

IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 168354/2018 - CONDONATION OF DELAY IN FILING
IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
W.P.(C) No. 51/2019 (X)

IA No. 8597/2019 - CLARIFICATION/DIRECTION)
Diary No(s). 1380/2019 (XVII)

IA No. 14639/2019 - CONDONATION OF DELAY IN FILING
IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
Diary No(s). 4454/2019 (XVII)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
C.A. No. 3236/2019 (XVII)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
C.A. No. 3269/2019 (XVII)

IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)
C.A. No. 3935/2019 (XVII)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION
IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)
Diary No(s). 13860/2019 (XVII)

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)
Diary No(s). 13969/2019 (XVII)

(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
IN FILING
IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 05-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Ms. Divya Roy, AOR

Mr. Vikas Mehta, AOR

Mr. Ghanshyam, Adv.
Mr. Devendra Singh, AOR

Mr. Gurtej Pal Singh, Adv.
Ms. Aswathi M.K., AOR

Mr. Gaurav, AOR

Mr. Kamendra Mishra, AOR

Mrs. Rachana Joshi Issar, AOR

Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.
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Ms. Ranjeeta Rohatgi, AOR

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Mr. Mahesh Agarwal, Adv.
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Mr. Prashant Kumar, Adv.
Mr. Santosh Kumar - I, AOR

Mr. Yadav Narender Singh, AOR

Dr. Harish Uppal, Adv.
Mr. T. Prasad, Adv.
Mr. Adith Nair, Adv.
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Mr. Vijay Kumar, AOR

Mr. Preshit Vilas Surshe, AOR

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Mr. Somanatha Padhan, AOR

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Mr. Praveen Agrawal, AOR

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Ms. Charu Ambwani, AOR

Mr. Deepak Goel, AOR

Mr. Umang Shankar, AOR

Mr. Vineet Bhagat, AOR

Mr. Jatin Zaveri, AOR

Mr. Amit Kumar, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. R. C. Kaushik, AOR

Ms. Bina Madhavan, Adv.
Ms. Swati Bhardwaj, Adv.
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Mr. Somesh Chandra Jha, AOR

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Ms. Vandana Surana, Adv.
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Ms. Shital Khatri, Adv.
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Mr. Shantanu Sagar, AOR
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Mr. Chandra Bhushan Prasad, AOR
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Ms. Aswathi M.K., AOR
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Mr. Abhinav Shrivastava, AOR
Ms. Jaikriti S. Jadeja, AOR
Ms. Rashi Bansal, AOR
Mr. Nikunj Dayal, AOR
Mr. Amit Sharma, AOR
Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
M/S. Gagrat And Co, AOR
Mr. Mayank Goel, AOR
Mr. Rohit Sharma, Adv.
Mr. Atul Agarwal, Adv.
Mr. Rounak Nayak, Adv.
Mr. Anshul Chowdhary, Adv.
Mr. Kumar Dushyant Singh, AOR
Mr. Rajeev Singh, AOR

Mr. Inderjeet Yadav, Adv.
Ms. Pooja Shrivastava, Adv.
Mr. Akshat Shrivastava, AOR

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Mr. Lalit Mohan, Adv.
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Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
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Ms. Rinchen Wangmo, Adv.
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Dr. Vinod Kumar Tewari, AOR

Mr. Awanish Kumar, AOR

Mr. Aldanish Rein, AOR

Mr. Kaustubh Anshuraj, AOR

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Ms. Rashmi Nandakumar, AOR

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Mr. Nikhil Nayyar, Sr. Adv.

Ms. Pritha Srikumar, Adv.

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Ms. G. Rishi, Adv.

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Mr. Anirudh Sharma, Adv.

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Mr. Vijay Kumar, AOR

Ms. Priyanjali Singh, Adv.

Mr. Rahul Rathore, Adv.

Mr. Karunesh Kumar Shukla, Adv.

Mr. Vivek Kumar, in person

Mr. R. Vasanth, Adv.

Mr Sukrit Seth, Adv.

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Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Adv.

Mr. Rahul Narayan, Adv.
Mr. Shashwat Goel, Adv.

Mr. Aswathi M.K., Adv.

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

Mr. Pawanshree Agrawal, learned Amicus Curiae has submitted in a status report that upon adopting the cut off date as 30 November 2018, a list of 1338 home buyers was prepared to whom pro rata distribution of Rs 87 crores is in progress. 875 home buyers have deposited advance receipts. The Amicus Curiae states that 503 home buyers have been paid pro rata while the process for the payment to 349 home buyers is in process.

The Registry shall ensure that pro rata distribution of the principal sum is made to the home buyers in terms of the list(s) furnished by the learned Amicus Curiae. The above disbursement is to be made to the balance 349 home buyers. Those home buyers who have either not submitted advance receipts or required documents, as the case may be, shall do so within ten days from today so as to facilitate the Amicus Curiae forwarding their details to the Registry.

The Registry shall complete the process of pro rata distribution within two weeks of the receipt of the list from the Amicus Curiae. We clarify that while making a deduction under Order

IX Rule 9 of the Supreme Court Rules, the Registry shall ensure that the ceiling of Rs 15,000 is not exceeded in the aggregate per home buyer, regardless of the tranches in which distribution is made to each person.

The Amicus Curiae is also requested to prepare separately a schedule for the disbursement of principal sums to the home buyers who have already Obtained an order of refund taking an extended cut off date as 30 June 2019.

Out of the component of 10 per cent which has been earmarked for payment to the fixed depositors, we direct that the initial disbursement of the pro rata principal shall first take place to fixed deposit holders of the age group of 60 years and above. From amongst that group, disbursal shall take place on the basis of the duration of the investment in fixed deposit. The Amicus Curiae shall follow the above principle for the purpose of disbursement to the fixed depositors and shall submit an upto date list within two weeks from today to the Registry upon which disbursement can take place.

The Amicus Curiae has obtained data pertaining to employees on the web portal as on 2 July 2019. He has submitted that he will share this data with counsel for Unitech so that verification of the claims which have been received is done. The learned Amicus Curiae is requested to carry out the process of verifying the amount of the principal claims and claims on account of TDS and dividend fund dues within four weeks. Unitech shall ensure all cooperation. Counsel appearing on behalf of the employees is also at liberty to share her computation with the Amicus Curiae to

facilitate verification.

Mr. Sameer Paranjape representing Grant Thornton has placed on record a report reflecting the status of the forensic audit. Mr. Paranjape suggested that this Court may lay down a cut off date for the submission of all the data and information by Unitech Ltd., after the expiry of which a period of three weeks may be granted to the forensic auditors to complete the audit and submit an interim report to this Court.

We accordingly direct that Unitech Ltd. shall submit all the required information that remains to the forensic auditors on or before 19 July 2019. All the concerned banks are directed to ensure that the remaining bank statements are made available to Grant Thornton within the aforesaid period failing which the Court shall be compelled to take coercive steps for compliance against the defaulting banks. Grant Thornton shall submit its interim report by 9 August 2019.

Mr. Pinaki Mishra, learned Senior Counsel for Unitech seeks permission of the Court to deposit Rs 51.95 crores in the Registry of the Court. Permission is granted.

The Registry shall invest an amount of Rs 5 crores deposited on 10 May 2019 and the amount of Rs 51.95 crores in a fixed deposit of any nationalized bank which offers better terms as regards the rate of interest for a period of 91 days.

FDR A/c. No. 1303-G which is maturing on 7 August 2019 shall also be re-invested with any nationalized bank which pays a higher rate of interest for a further period of 91 days.

I.A. NO. 94783/2019

In pursuance of the previous order passed by this Court on 9 May 2019, Mr. K.K. Venugopal, learned Attorney General for India has assisted the Court. Learned Attorney General submitted that the proposal for a third party agency to take up the work of construction can be dealt with subject to and upon the disposal of the Crl. Misc. Petition instituted by Unitech. We accordingly proceed to do so.

The reliefs which have been sought in the Crl. Miscellaneous Petition are in the following terms:

"A. Pass an order taking on record the time-bound plan for completion of pending projects submitted by the Applicant/Petitioner No. 3; and

B. Direct the Hon'ble Justice (Retd.) Dhingra Committee to submit a viability report of the plan based on discussions with the Petitioners No. 1 & 2; and

C. Direct that the office facilities provided to Petitioners No. 1 & 2 to hold discussions with the Hon'ble Justice (Retd.) Dhingra Committee be restored; and

D. Direct the Hon'ble Justice (Retd.) Dhingra Committee to implement the said plan with modification if any and subject to such terms and conditions as this Hon'ble Court may deem fit and necessary;"

Unitech has urged before this Court that the work of completing the construction should continue to be carried out by it and has purported to submit a time bound plan for the completion of pending projects. Acceptance of the prayer of Unitech would result in the exclusion of the association of any third party at the behest of the Union government. We have heard Dr. A.M. Singhvi,

learned Senior Counsel and Mr. Pinaki Mishra, learned Senior Counsel in support of the application.

Unitech has submitted before the Court that of the 29,434 units which have been sold, 12,466 units remain undelivered. Construction of 60 per cent of the pending projects is stated to be ongoing and at diverse stages of completion. Unitech has proposed that the 12,466 undelivered units will be completed over the next three years, by July 2022. It has been urged that an amount of Rs 481 crores has been deposited in the Registry of this Court in pursuance of the directions which have been issued from time to time. On this basis, it has been urged that there is no reason to deviate from the existing position under which the Court appointed Committee is overseeing the work of construction. Besides this, it has been submitted that the process of monetizing the assets of Unitech is being carried out under the directions of the Justice (Retd.) Dhingra Committee. Of the 74 pending projects, it has been submitted that 22 have been completed while 23 are being funded by two Asset Reconstruction Companies. In sum and substance, it has been alleged that the interposition of a third party agency is liable to delay the handing over of flats to home buyers hence the existing modalities under which the monetization of assets is being carried out and funds are being progressively made over to Unitech for completing the construction under the auspices of the Court appointed Committee may continue.

We are unable to accede to the submission which has been urged on behalf of the Unitech. The work of monetizing the assets of the company is being carried out, it is necessary to note, under

judicial directions. It was as a result of the intervention of this Court and the appointment of the Committee that some progress in regard to realising the value of the assets of Unitech has resulted.

The work of the Justice Dhingra Committee in monetising the assets is not interdicted . That undoubtedly will continue to be carried out under the overall supervision of the Committee appointed by this Court, subject to further directions or modalities as may be fixed by this Court.

The central issue before us is whether Unitech should continue to be entrusted with the work of construction. Over the previous two years, this Court has been monitoring the progress of construction. By its very nature, it is impossible for the Court to take upon itself the task of overseeing the process. The difficulty which is faced by thousands of home buyers has arisen because of the inability of Unitech to abide by its contractual obligations and to deliver flats to the home buyers within the time schedule which was agreed. As a result of the continuing default by Unitech, thousands of home buyers who have to pay EMIs for home loans are left in a situation where they are at the same time required to pay rent for housing accommodation without any likelihood of the accommodation purchased by them been completed. This state of affairs cannot be continued indefinitely. It was with this view that the Court passed the previous order after observing prima facie that a stage has been reached where it is necessary to seek the intervention of the Union government so as to ensure that the interests of the home buyers are duly protected.

For the above reasons, we are clearly of the view that the existing developer cannot be entrusted with the task of completing the projects particularly in the absence of any safeguard that would ensure that the commitments which are sought to be offered before this Court presently will be fulfilled. Their past track record indicates otherwise. We accordingly reject the Criminal Miscellaneous Petition.

Having done so, we have heard the learned Attorney General for India on the modalities which the Union government proposes to adopt. The Attorney General has in his oral submissions placed before the Court a tentative course of action in which the matter can proceed further by the appointment of a third party agency to take over the construction. The Attorney General who has held discussions at a senior level in the Union government has submitted before the Court that a period of 10 days would be required to place a formal proposal on the record. Acceding to the suggestion which has been made, we direct that the further hearing of these proceedings shall stand adjourned to 23 July 2019.

List the matter on 23 July 2019 at 3 p.m.

I.A. Nos. 94991/2019, I.A. Nos. 91808/2019, I.A. No. 31375/2019 and I.A. No. 31376/2019 be listed on the next date of hearing.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.10

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 76055/2019 - APPLICATION FOR PERMISSION
 IA No. 76050/2019 - CLARIFICATION/DIRECTION
 IA No. 163357/2018 - CLARIFICATION/DIRECTION
 IA No. 185448/2018 - EXEMPTION FROM FILING O.T.
 IA No. 185449/2018 - EXTENSION OF TIME
 IA No. 76037/2019 - INTERVENTION APPLICATION
 IA No. 24645/2019 - INTERVENTION APPLICATION
 IA No. 24639/2019 - INTERVENTION APPLICATION
 IA No. 16860/2019 - INTERVENTION/IMPLEADMENT
 IA No. 185446/2018 - INTERVENTION/IMPLEADMENT
 IA No. 70267/2019 - INTERVENTION/IMPLEADMENT
 IA No. 29729/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(FOR ON IA 1/2007 FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013 FOR EXEMPTION FROM
 FILING O.T. ON IA 12/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA
 11/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016 FOR
 CLARIFICATION/DIRECTION ON IA 35051/2019

IA No. 35051/2019 - CLARIFICATION/DIRECTION
 IA No. 12/2013 - EXEMPTION FROM FILING O.T.
 IA No. 11/2013 - PERMISSION TO FILE ANNEXURES
 IA No. 10/2013 - PERMISSION TO FILE ANNEXURES
 IA No. 9/2011 - PERMISSION TO FILE ANNEXURES
 IA No. 13/2016 - PERMISSION TO FILE ANNEXURES)
 C.A. No. 11108/2016 (XVII)

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS
 IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 86494/2018 - CLARIFICATION/DIRECTION
 IA No. 86487/2018 - CLARIFICATION/DIRECTION
 IA No. 148794/2018 - CLARIFICATION/DIRECTION
 IA No. 106354/2018 - CLARIFICATION/DIRECTION
 IA No. 86492/2018 - INTERVENTION APPLICATION
 IA No. 148790/2018 - INTERVENTION APPLICATION
 IA No. 106352/2018 - INTERVENTION APPLICATION
 IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)
 C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)
 C.A. No. 2511-2526/2017 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)
 S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))
 C.A. No. 5174-5181/2017 (XVII)

IA No. 53934/2017 - CLARIFICATION/DIRECTION)
C.A. No. 5674/2017 (XVII)

IA No. 53934/2017 - CLARIFICATION/DIRECTION)
C.A. No. 9391-9404/2017 (XVII)

IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)
C.A. No. 15493/2017 (XVII)

IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)
SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER

IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION

IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 55250/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49475/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 102172/2018 - CLARIFICATION/DIRECTION

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IA No. 134971/2018 - CLARIFICATION/DIRECTION

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IA No. 165205/2018 - CLARIFICATION/DIRECTION

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IA No. 368/2018 - CLARIFICATION/DIRECTION

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IA No. 176545/2018 - MODIFICATION
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IA No. 145494/2018 - MODIFICATION OF COURT ORDER
IA No. 1614/2019 - MODIFICATION OF COURT ORDER
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IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
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IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
COPY OF IMPUGNED ORDER
IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
IA No. 72068/2018 - RECALLING THE COURTS ORDER
IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE
IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)
C.A. No. 11008/2017 (XVII)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-
INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and
IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
No.98117/2017-DELETING THE NAME OF RESPONDENT
IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
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IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS
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 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
 COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)
 C.A. No. 17008-17011/2017 (XVII)
 (and
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018

FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018
 IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION
 IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS
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 IA No. 15770/2018 - CLARIFICATION/DIRECTION
 IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT
 IA No. 55457/2018 - INTERVENTION/IMPLEADMENT
 IA No. 116810/2018 - INTERVENTION/IMPLEADMENT
 IA No. 94844/2018 - INTERVENTION/IMPLEADMENT
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 IA No. 93352/2018 - INTERVENTION/IMPLEADMENT
 IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL
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 C.A. No. 16858/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION
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 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
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 C.A. No. 20003/2017 (XVII)
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILEING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS
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 SLP(C) No. 30997/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION
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 C.A. No. 3727/2018 (XVII)

IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)
 C.A. No. 6837-6838/2018 (XVII)

IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)
 SLP(C) No. 12667/2018 (XVII)

- IA No. 127173/2018 - CLARIFICATION/DIRECTION
IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)
Diary No(s). 20540/2018 (XVII)
- IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL
IA No. 104958/2018 - CONDONATION OF DELAY IN REFILEING)
C.A. No. 8524/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)
C.A. No. 10609/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)
SLP(C) No. 30270/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)
Diary No(s). 40477/2018 (XVII)
- IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 168354/2018 - CONDONATION OF DELAY IN FILING
IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
W.P.(C) No. 51/2019 (X)
- IA No. 8597/2019 - CLARIFICATION/DIRECTION)
Diary No(s). 1380/2019 (XVII)
- IA No. 14639/2019 - CONDONATION OF DELAY IN FILING
IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
Diary No(s). 4454/2019 (XVII)
- IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
C.A. No. 3236/2019 (XVII)
- IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)
C.A. No. 3269/2019 (XVII)
- IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)
C.A. No. 3935/2019 (XVII)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION
IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)
Diary No(s). 13860/2019 (XVII)
- IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)
Diary No(s). 13969/2019 (XVII)
(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
IN FILING

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 05-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

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Mr. Rajiv Kumar Virmani, Adv.
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Respondent-in-person

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Mr. Ravindra Kumar, Adv.

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Mr. Sidedhesh Kotwal, Adv.

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Mr. Sanjay Chadha, Adv.

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Ms. Athira G.Nair, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Nikhil Nayyar, Sr. Adv.

Ms. Pritha Srikumar, Adv.

Mr. Naveen Hegde, Adv.

Ms. Mansi Binjrajka, Adv.

Dr. Harish Uppal, Adv.

Mr. Tileshwar Prasad, Adv.

Ms. Prerna Mehta, Adv.

Mr. Prateek Gupta, Adv.

Ms. Sudha Gupta, Adv.

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Mr. Aditya P. Arora, Adv.

Mr. Anirudh Sharma, Adv.

Mr. Ashwani Garg, Adv.

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Ms. Priyanjali Singh, Adv.

Mr. Rahul Rathore, Adv.

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Mr. Vivek Kumar, in person

Mr. R. Vasanth, Adv.

Mr Sukrit Seth, Adv.

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Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Adv.

Mr. Rahul Narayan, Adv.
Mr. Shashwat Goel, Adv.

Mr. Aswathi M.K., Adv.

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

Mr. Pawanshree Agrawal, learned Amicus Curiae has submitted in a status report that upon adopting the cut off date as 30 November 2018, a list of 1338 home buyers was prepared to whom pro rata distribution of Rs 87 crores is in progress. 875 home buyers have deposited advance receipts. The Amicus Curiae states that 503 home buyers have been paid pro rata while the process for the payment to 349 home buyers is in process.

The Registry shall ensure that pro rata distribution of the principal sum is made to the home buyers in terms of the list(s) furnished by the learned Amicus Curiae. The above disbursement is to be made to the balance 349 home buyers. Those home buyers who have either not submitted advance receipts or required documents, as the case may be, shall do so within ten days from today so as to facilitate the Amicus Curiae forwarding their details to the Registry.

The Registry shall complete the process of pro rata distribution within two weeks of the receipt of the list from the Amicus Curiae. We clarify that while making a deduction under Order IX Rule 9 of the Supreme Court Rules, the Registry shall ensure

that the ceiling of Rs 15,000 is not exceeded in the aggregate per home buyer, regardless of the tranches in which distribution is made to each person.

The Amicus Curiae is also requested to prepare separately a schedule for the disbursement of principal sums to the home buyers who have already Obtained an order of refund taking an extended cut off date as 30 June 2019.

Out of the component of 10 per cent which has been earmarked for payment to the fixed depositors, we direct that the initial disbursement of the pro rata principal shall first take place to fixed deposit holders of the age group of 60 years and above. From amongst that group, disbursal shall take place on the basis of the duration of the investment in fixed deposit. The Amicus Curiae shall follow the above principle for the purpose of disbursement to the fixed depositors and shall submit an upto date list within two weeks from today to the Registry upon which disbursement can take place.

The Amicus Curiae has obtained data pertaining to employees on the web portal as on 2 July 2019. He has submitted that he will share this data with counsel for Unitech so that verification of the claims which have been received is done. The learned Amicus Curiae is requested to carry out the process of verifying the amount of the principal claims and claims on account of TDS and dividend fund dues within four weeks. Unitech shall ensure all cooperation. Counsel appearing on behalf of the employees is also at liberty to share her computation with the Amicus Curiae to facilitate verification.

Mr. Sameer Paranjape representing Grant Thornton has placed on record a report reflecting the status of the forensic audit. Mr. Paranjape suggested that this Court may lay down a cut off date for the submission of all the data and information by Unitech Ltd., after the expiry of which a period of three weeks may be granted to the forensic auditors to complete the audit and submit an interim report to this Court.

We accordingly direct that Unitech Ltd. shall submit all the required information that remains to the forensic auditors on or before 19 July 2019. All the concerned banks are directed to ensure that the remaining bank statements are made available to Grant Thornton within the aforesaid period failing which the Court shall be compelled to take coercive steps for compliance against the defaulting banks. Grant Thornton shall submit its interim report by 9 August 2019.

Mr. Pinaki Mishra, learned Senior Counsel for Unitech seeks permission of the Court to deposit Rs 51.95 crores in the Registry of the Court. Permission is granted.

The Registry shall invest an amount of Rs 5 crores deposited on 10 May 2019 and the amount of Rs 51.95 crores in a fixed deposit of any nationalized bank which offers better terms as regards the rate of interest for a period of 91 days.

FDR A/c. No. 1303-G which is maturing on 7 August 2019 shall also be re-invested with any nationalized bank which pays a higher rate of interest for a further period of 91 days.

In pursuance of the previous order passed by this Court on 9 May 2019, Mr. K.K. Venugopal, learned Attorney General for India has assisted the Court. Learned Attorney General submitted that the proposal for a third party agency to take up the work of construction can be dealt with subject to and upon the disposal of the Crl. Misc. Petition instituted by Unitech. We accordingly proceed to do so.

The reliefs which have been sought in the Crl. Miscellaneous Petition are in the following terms:

"A. Pass an order taking on record the time-bound plan for completion of pending projects submitted by the Applicant/Petitioner No. 3; and

B. Direct the Hon'ble Justice (Retd.) Dhingra Committee to submit a viability report of the plan based on discussions with the Petitioners No. 1 & 2; and

C. Direct that the office facilities provided to Petitioners No. 1 & 2 to hold discussions with the Hon'ble Justice (Retd.) Dhingra Committee be restored; and

D. Direct the Hon'ble Justice (Retd.) Dhingra Committee to implement the said plan with modification if any and subject to such terms and conditions as this Hon'ble Court may deem fit and necessary;"

Unitech has urged before this Court that the work of completing the construction should continue to be carried out by it and has purported to submit a time bound plan for the completion of pending projects. Acceptance of the prayer of Unitech would result in the exclusion of the association of any third party at the behest of the Union government. We have heard Dr. A.M. Singhvi, learned Senior Counsel and Mr. Pinaki Mishra, learned Senior

Counsel in support of the application.

Unitech has submitted before the Court that of the 29,434 units which have been sold, 12,466 units remain undelivered. Construction of 60 per cent of the pending projects is stated to be ongoing and at diverse stages of completion. Unitech has proposed that the 12,466 undelivered units will be completed over the next three years, by July 2022. It has been urged that an amount of Rs 481 crores has been deposited in the Registry of this Court in pursuance of the directions which have been issued from time to time. On this basis, it has been urged that there is no reason to deviate from the existing position under which the Court appointed Committee is overseeing the work of construction. Besides this, it has been submitted that the process of monetizing the assets of Unitech is being carried out under the directions of the Justice (Retd.) Dhingra Committee. Of the 74 pending projects, it has been submitted that 22 have been completed while 23 are being funded by two Asset Reconstruction Companies. In sum and substance, it has been alleged that the interposition of a third party agency is liable to delay the handing over of flats to home buyers hence the existing modalities under which the monetization of assets is being carried out and funds are being progressively made over to Unitech for completing the construction under the auspices of the Court appointed Committee may continue.

We are unable to accede to the submission which has been urged on behalf of the Unitech. The work of monetizing the assets of the company is being carried out, it is necessary to note, under judicial directions. It was as a result of the intervention of this

Court and the appointment of the Committee that some progress in regard to realising the value of the assets of Unitech has resulted.

The work of the Justice Dhingra Committee in monetising the assets is not interdicted . That undoubtedly will continue to be carried out under the overall supervision of the Committee appointed by this Court, subject to further directions or modalities as may be fixed by this Court.

The central issue before us is whether Unitech should continue to be entrusted with the work of construction. Over the previous two years, this Court has been monitoring the progress of construction. By its very nature, it is impossible for the Court to take upon itself the task of overseeing the process. The difficulty which is faced by thousands of home buyers has arisen because of the inability of Unitech to abide by its contractual obligations and to deliver flats to the home buyers within the time schedule which was agreed. As a result of the continuing default by Unitech, thousands of home buyers who have to pay EMIs for home loans are left in a situation where they are at the same time required to pay rent for housing accommodation without any likelihood of the accommodation purchased by them been completed. This state of affairs cannot be continued indefinitely. It was with this view that the Court passed the previous order after observing prima facie that a stage has been reached where it is necessary to seek the intervention of the Union government so as to ensure that the interests of the home buyers are duly protected.

For the above reasons, we are clearly of the view that the

existing developer cannot be entrusted with the task of completing the projects particularly in the absence of any safeguard that would ensure that the commitments which are sought to be offered before this Court presently will be fulfilled. Their past track record indicates otherwise. We accordingly reject the Criminal Miscellaneous Petition.

Having done so, we have heard the learned Attorney General for India on the modalities which the Union government proposes to adopt. The Attorney General has in his oral submissions placed before the Court a tentative course of action in which the matter can proceed further by the appointment of a third party agency to take over the construction. The Attorney General who has held discussions at a senior level in the Union government has submitted before the Court that a period of 10 days would be required to place a formal proposal on the record. Acceding to the suggestion which has been made, we direct that the further hearing of these proceedings shall stand adjourned to 23 July 2019.

List the matter on 23 July 2019 at 3 p.m.

I.A. Nos. 94991/2019, I.A. Nos. 91806/2019, I.A. No. 31375/2019 and I.A. No. 31376/2019 be listed on the next date of hearing.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.802

COURT NO.11

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(I.A. No. 94991/2019, I.A. No. 91806/2019, I.A. No. 31375/2019 and
I.A. No. 31376/2019)

WITH

SLP(Cr1.) No. 5978-5979 of 2017 (II-C)

Date : 25-07-2019 These matters were mentioned today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

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Mr. Sanjay Kumar Tyagi, AOR

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Mr. Preshit Vilas Surshe, AOR

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UPON being mentioned the Court made the following
O R D E R

List on 29 July 2019.

Learned counsel appearing on behalf of Unitech seeks
permission of the Court to deposit Rs 12 crores in the Registry of
the Court. Permission is granted.

The Registry shall invest the amount of Rs 12 crores in a fixed deposit of any nationalised bank which offers better terms as regards the rate of interest for a period of 91 days.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.10

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 76055/2019 - APPLICATION FOR PERMISSION, IA No. 163357/2018-
CLARIFICATION/ DIRECTION, IA No. 76050/2019 -CLARIFICATION/
DIRECTION, IA No. 185448/2018 - EXEMPTION FROM FILING O.T., IA No.
185449/2018 - EXTENSION OF TIME, IA No. 76037/2019 - INTERVENTION
APPLICATION, IA No. 24645/2019 - INTERVENTION APPLICATION, IA No.
24639/2019 - INTERVENTION APPLICATION, IA No. 185446/2018 -
INTERVENTION/IMPLEADMENT, IA No. 70267/2019 - INTERVENTION/
IMPLEADMENT, IA No. 29729/2019 - INTERVENTION/IMPLEADMENT, IA No.
16860/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(IA 1/2007 FOR PERMISSION TO FILE ANNEXURES, IA No. 35051/2019 -
CLARIFICATION/DIRECTION, IA No. 12/2013 - EXEMPTION FROM FILING
O.T., IA No. 9/2011 - PERMISSION TO FILE ANNEXURES, IA No. 13/2016
- PERMISSION TO FILE ANNEXURES, IA No. 11/2013 - PERMISSION TO FILE
ANNEXURES, IA No. 10/2013 - PERMISSION TO FILE ANNEXURES)

C.A. No. 11108/2016 (XVII)

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS

IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 148794/2018 - CLARIFICATION/DIRECTION

IA No. 106354/2018 - CLARIFICATION/DIRECTION

IA No. 86494/2018 - CLARIFICATION/DIRECTION

IA No. 86487/2018 - CLARIFICATION/DIRECTION

IA No. 148790/2018 - INTERVENTION APPLICATION

IA No. 106352/2018 - INTERVENTION APPLICATION

IA No. 86492/2018 - INTERVENTION APPLICATION

IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)

C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION

IA No. 29665/2019 - CLARIFICATION/DIRECTION

IA No. 138022/2018 - CLARIFICATION/DIRECTION

IA No. 74496/2019 - CLARIFICATION/DIRECTION

IA No. 23396/2018 - CLARIFICATION/DIRECTION

IA No. 69785/2018 - EXEMPTION FROM FILING O.T.

IA No. 89520/2018 - I.A. FOR DIRECTION

IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
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 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)
 C.A. No. 2511-2526/2017 (XVII)
)
 S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))
 C.A. No. 5174-5181/2017 (XVII)

IA No. 53934/2017 - CLARIFICATION/DIRECTION)
 C.A. No. 5674/2017 (XVII)
)
 C.A. No. 9391-9404/2017 (XVII)

IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)
 C.A. No. 15493/2017 (XVII)
)
 SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED
 AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
 IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION
 IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS
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 IA No. 90877/2018 - INTERVENTION/IMPLEADMENT
 IA No. 114962/2018 - INTERVENTION/IMPLEADMENT
 IA No. 134806/2018 - INTERVENTION/IMPLEADMENT
 IA No. 6790/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23736/2018 - INTERVENTION/IMPLEADMENT
 IA No. 176528/2018 - MODIFICATION
 IA No. 176545/2018 - MODIFICATION
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER
 IA No. 37229/2019 - MODIFICATION OF COURT ORDER
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN
 COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)
 C.A. No. 11008/2017 (XVII)
 (IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA
 No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-
 INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and
 IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
 No.98117/2017-DELETING THE NAME OF RESPONDENT)
 C.A. No. 17008-17011/2017 (XVII)
 (and
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

94577/2017

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 94736/2017

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017

FOR CLARIFICATION/DIRECTION ON IA 15770/2018

FOR impleading party ON IA 55457/2018

FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018

FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018

FOR impleading party ON IA 93352/2018

FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018

FOR impleading party ON IA 94782/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018

FOR impleading party ON IA 94844/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018

FOR impleading party ON IA 116810/2018

FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018

FOR CLARIFICATION/DIRECTION ON IA 138460/2018

IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION

IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 15770/2018 - CLARIFICATION/DIRECTION

IA No. 138460/2018 - CLARIFICATION/DIRECTION

IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 94844/2018 - INTERVENTION/IMPLEADMENT

IA No. 94782/2018 - INTERVENTION/IMPLEADMENT

IA No. 93352/2018 - INTERVENTION/IMPLEADMENT

IA No. 55457/2018 - INTERVENTION/IMPLEADMENT

IA No. 116810/2018 - INTERVENTION/IMPLEADMENT

IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

IA No. 101622/2018 - CLARIFICATION/DIRECTION

IA No. 71612/2018 - INTERVENTION/IMPLEADMENT

IA No. 50215/2019 - INTERVENTION/IMPLEADMENT

IA No. 108044/2018 - INTERVENTION/IMPLEADMENT

IA No. 101795/2018 - INTERVENTION/IMPLEADMENT)

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

(IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.119854/2017-CONDONATION OF DELAY IN REFILEING and IA No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)

)

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

IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 6837-6838/2018 (XVII)

IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)

SLP(C) No. 12667/2018 (XVII)

IA No. 127173/2018 - CLARIFICATION/DIRECTION
 IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)
 Diary No(s). 20540/2018 (XVII)

IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL
 IA No. 104958/2018 - CONDONATION OF DELAY IN REFILING)
 C.A. No. 8524/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)
 C.A. No. 10609/2018 (XVII)
)
 SLP(C) No. 30270/2018 (XVII)
)
 Diary No(s). 40477/2018 (XVII)

IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 168354/2018 - CONDONATION OF DELAY IN FILING
 IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)
 W.P.(C) No. 51/2019 (X)

IA No. 8597/2019 - CLARIFICATION/DIRECTION)
 Diary No(s). 1380/2019 (XVII)

IA No. 14639/2019 - CONDONATION OF DELAY IN FILING
 IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)
 Diary No(s). 4454/2019 (XVII)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
 IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)
 C.A. No. 3236/2019 (XVII)
)
 C.A. No. 3269/2019 (XVII)

IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)
 C.A. No. 3935/2019 (XVII)
 (FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)
 Diary No(s). 13860/2019 (XVII)

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)
 Diary No(s). 13969/2019 (XVII)
 (FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
 IN FILING)
 C.A. No. 5177/2019 (XVII)
)
 C.A. No. 5190/2019 (XVII)
 (FOR ADMISSION)

Date : 29-07-2019 These matters were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

Petitioner-in-person

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Mr. Somasekhar Sudershan, Adv.

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

Mr. K.K. Venugopal, learned Attorney General for India has placed on the record a proposal submitted by NBCC, a public sector undertaking chalking out the modalities for undertaking the completion of the stalled/incomplete projects of the Unitech Group.

Since the home buyers are significant stakeholders in the proposed outcome, we have requested Mr Pawanshree Agrawal, Amicus Curiae to upload the proposal which has been tendered to the Court on the web portal which is maintained by him so as to enable the home buyers to peruse the proposal and make their submissions before the Court. Mr. Pawanshree Agrawal assured that this shall be done during the course of the day.

Any home buyer desirous of making submissions in regard to the

proposal shall be at liberty do so. The submissions of the home buyers shall be in the form of a summary not exceeding one page which shall be e-mailed to the learned Amicus Curiae. The last date for submission shall be 2 August 2019.

Mr. Pawanshree Agrawal shall collate all the submissions and furnish a copy to the Attorney General for India and to the counsel appearing on behalf of the Unitech. Any other person desirous of obtaining a copy shall be at liberty to do so from the office of the Amicus Curiae.

By the order of this Court dated 9 May 2019, the following direction was issued on the request of the counsel appearing for the Employees Provident Fund Organisation ("EPFO"):

"On the request of the learned counsel appearing on behalf of the EPFO, we clarify that the direction which has been issued by this Court imposing a restraint on coercive steps shall not come in the way of the appropriate court or, as the case may be, authority imposing such conditions, if any, contemplated under the law while seeking recourse to remedies."

This clarification was issued in the context of the previous orders passed by this Court on 30 October 2017, 20 November 2017 and 9 April 2018. We clarify that the above direction was issued by this Court on 9 May 2019 at the request of the EPFO and is hence confined only to the EPFO.

List on 9 August 2019 at 2 p.m.

I.A. No. 31375/2019 and I.A. No. 31376/2019

The Justice Dhingra Committee is requested to furnish a report on the nature of the claim which has been made in the above I.As. This may be done within a period of three weeks from today.

I.A. Nos. 94991/2019 and I.A. No. 91808/2019

List on 9 August 2019 at 2 p.m.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.8

COURT NO.8

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 126833/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 179388/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 118418/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 131930/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 167501/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 163215/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 143332/2019 - CLARIFICATION/DIRECTION
 IA No. 168590/2019 - CLARIFICATION/DIRECTION
 IA No. 127532/2019 - CLARIFICATION/DIRECTION
 IA No. 116589/2019 - INTERVENTION APPLICATION
 IA No. 116576/2019 - INTERVENTION APPLICATION
 IA No. 122309/2019 - INTERVENTION APPLICATION
 IA No. 142769/2019 - INTERVENTION APPLICATION
 IA No. 118517/2019 - INTERVENTION APPLICATION
 IA No. 134346/2019 - INTERVENTION APPLICATION
 IA No. 118412/2019 - INTERVENTION APPLICATION
 IA No. 117566/2019 - INTERVENTION APPLICATION
 IA No. 127529/2019 - INTERVENTION APPLICATION
 IA No. 126831/2019 - INTERVENTION/IMPLEADMENT
 IA No. 143330/2019 - INTERVENTION/IMPLEADMENT
 IA No. 168586/2019 - INTERVENTION/IMPLEADMENT
 IA No. 131928/2019 - INTERVENTION/IMPLEADMENT
 IA No. 117154/2019 - INTERVENTION/IMPLEADMENT
 IA No. 153933/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(IA No. 162939/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 35051/2019 - CLARIFICATION/DIRECTION

IA No. 12/2013 - EXEMPTION FROM FILING O.T.

IA No. 118081/2019 - INTERVENTION APPLICATION

IA No. 9/2011 - PERMISSION TO FILE ANNEXURES

IA No. 13/2016 - PERMISSION TO FILE ANNEXURES

IA No. 11/2013 - PERMISSION TO FILE ANNEXURES

IA No. 10/2013 - PERMISSION TO FILE ANNEXURES)

C.A. No. 11108/2016 (XVII-A)

(IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS

IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 148794/2018 - CLARIFICATION/DIRECTION
IA No. 106354/2018 - CLARIFICATION/DIRECTION
IA No. 86494/2018 - CLARIFICATION/DIRECTION
IA No. 86487/2018 - CLARIFICATION/DIRECTION
IA No. 148790/2018 - INTERVENTION APPLICATION
IA No. 106352/2018 - INTERVENTION APPLICATION
IA No. 86492/2018 - INTERVENTION APPLICATION
IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)

C.A. No. 10851/2016 (XVII-A)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
IA No. 29665/2019 - CLARIFICATION/DIRECTION
IA No. 138022/2018 - CLARIFICATION/DIRECTION
IA No. 74496/2019 - CLARIFICATION/DIRECTION
IA No. 23396/2018 - CLARIFICATION/DIRECTION
IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
IA No. 89520/2018 - I.A. FOR DIRECTION
IA No. 29804/2019 - INTERVENTION APPLICATION
IA No. 86677/2018 - INTERVENTION APPLICATION
IA No. 66018/2018 - INTERVENTION APPLICATION
IA No. 138019/2018 - INTERVENTION APPLICATION
IA No. 51916/2019 - INTERVENTION APPLICATION
IA No. 49108/2018 - INTERVENTION APPLICATION
IA No. 129613/2018 - INTERVENTION APPLICATION
IA No. 117001/2018 - INTERVENTION APPLICATION
IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)

C.A. No. 2511-2526/2017 (XVII-A)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

(WITH IA No. 1/2017 - PERMISSION TO FILE SLP)

C.A. No. 5174-5181/2017 (XVII-A)

(IA No. 106008/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 53934/2017 - CLARIFICATION/DIRECTION)

C.A. No. 5674/2017 (XVII-A)

C.A. No. 9391-9404/2017 (XVII-A)

(IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)

C.A. No. 15493/2017 (XVII-A)
(IA No. 169933/2019 - APPLICATION FOR TRANSPOSITION
IA No. 169922/2019 - CLARIFICATION/DIRECTION)

SLP(Cr1) No. 5978-5979/2017 (II-C)
(IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
IA No. 102131/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105983/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105977/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 97711/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105644/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 97705/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105639/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 107358/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 94991/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 106597/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 72200/2018 - CLARIFICATION/DIRECTION
IA No. 85479/2018 - CLARIFICATION/DIRECTION
IA No. 78609/2019 - CLARIFICATION/DIRECTION
IA No. 104379/2019 - CLARIFICATION/DIRECTION
IA No. 113764/2019 - CLARIFICATION/DIRECTION
IA No. 72036/2018 - CLARIFICATION/DIRECTION
IA No. 72196/2018 - CLARIFICATION/DIRECTION
IA No. 91131/2018 - CLARIFICATION/DIRECTION
IA No. 102172/2018 - CLARIFICATION/DIRECTION
IA No. 115449/2018 - CLARIFICATION/DIRECTION
IA No. 118046/2018 - CLARIFICATION/DIRECTION
IA No. 63391/2019 - CLARIFICATION/DIRECTION
IA No. 78607/2019 - CLARIFICATION/DIRECTION
IA No. 88188/2019 - CLARIFICATION/DIRECTION
IA No. 101768/2019 - CLARIFICATION/DIRECTION
IA No. 72035/2018 - CLARIFICATION/DIRECTION
IA No. 107625/2019 - CLARIFICATION/DIRECTION
IA No. 72149/2018 - CLARIFICATION/DIRECTION
IA No. 97616/2018 - CLARIFICATION/DIRECTION
IA No. 115433/2018 - CLARIFICATION/DIRECTION
IA No. 63363/2019 - CLARIFICATION/DIRECTION
IA No. 71484/2018 - CLARIFICATION/DIRECTION
IA No. 72489/2018 - CLARIFICATION/DIRECTION
IA No. 96561/2018 - CLARIFICATION/DIRECTION
IA No. 128559/2018 - CLARIFICATION/DIRECTION
IA No. 67003/2018 - CLARIFICATION/DIRECTION
IA No. 88565/2018 - CLARIFICATION/DIRECTION
IA No. 113585/2018 - CLARIFICATION/DIRECTION
IA No. 115153/2018 - CLARIFICATION/DIRECTION
IA No. 71472/2018 - CLARIFICATION/DIRECTION
IA No. 72212/2018 - CLARIFICATION/DIRECTION

IA No. 81402/2018 - CLARIFICATION/DIRECTION
IA No. 94632/2018 - CLARIFICATION/DIRECTION
IA No. 98455/2018 - CLARIFICATION/DIRECTION
IA No. 126407/2018 - CLARIFICATION/DIRECTION
IA No. 95023/2019 - CLARIFICATION/DIRECTION
IA No. 105206/2019 - CLARIFICATION/DIRECTION
IA No. 71464/2018 - CLARIFICATION/DIRECTION
IA No. 98452/2018 - CLARIFICATION/DIRECTION
IA No. 115452/2018 - CLARIFICATION/DIRECTION
IA No. 63400/2019 - CLARIFICATION/DIRECTION
IA No. 78763/2019 - CLARIFICATION/DIRECTION
IA No. 105199/2019 - CLARIFICATION/DIRECTION
IA No. 113770/2019 - CLARIFICATION/DIRECTION
IA No. 71446/2018 - INTERVENTION APPLICATION
IA No. 72065/2018 - INTERVENTION APPLICATION
IA No. 80237/2018 - INTERVENTION APPLICATION
IA No. 98447/2018 - INTERVENTION APPLICATION
IA No. 102780/2018 - INTERVENTION APPLICATION
IA No. 115451/2018 - INTERVENTION APPLICATION
IA No. 122478/2018 - INTERVENTION APPLICATION
IA No. 63399/2019 - INTERVENTION APPLICATION
IA No. 106596/2019 - INTERVENTION APPLICATION
IA No. 79963/2018 - INTERVENTION APPLICATION
IA No. 85478/2018 - INTERVENTION APPLICATION
IA No. 98444/2018 - INTERVENTION APPLICATION
IA No. 104377/2019 - INTERVENTION APPLICATION
IA No. 71246/2018 - INTERVENTION APPLICATION
IA No. 74800/2018 - INTERVENTION APPLICATION
IA No. 85350/2018 - INTERVENTION APPLICATION
IA No. 91130/2018 - INTERVENTION APPLICATION
IA No. 97630/2018 - INTERVENTION APPLICATION
IA No. 102171/2018 - INTERVENTION APPLICATION
IA No. 115447/2018 - INTERVENTION APPLICATION
IA No. 55291/2019 - INTERVENTION APPLICATION
IA No. 63388/2019 - INTERVENTION APPLICATION
IA No. 88187/2019 - INTERVENTION APPLICATION
IA No. 98694/2019 - INTERVENTION APPLICATION
IA No. 104375/2019 - INTERVENTION APPLICATION
IA No. 70148/2018 - INTERVENTION APPLICATION
IA No. 73591/2018 - INTERVENTION APPLICATION
IA No. 83018/2018 - INTERVENTION APPLICATION
IA No. 101789/2018 - INTERVENTION APPLICATION
IA No. 116944/2018 - INTERVENTION APPLICATION
IA No. 78596/2019 - INTERVENTION APPLICATION
IA No. 85346/2019 - INTERVENTION APPLICATION
IA No. 104370/2019 - INTERVENTION APPLICATION
IA No. 107624/2019 - INTERVENTION APPLICATION
IA No. 67279/2018 - INTERVENTION APPLICATION
IA No. 72146/2018 - INTERVENTION APPLICATION
IA No. 82813/2018 - INTERVENTION APPLICATION
IA No. 90529/2018 - INTERVENTION APPLICATION
IA No. 101666/2018 - INTERVENTION APPLICATION
IA No. 113940/2018 - INTERVENTION APPLICATION

IA No. 115428/2018 - INTERVENTION APPLICATION
IA No. 63361/2019 - INTERVENTION APPLICATION
IA No. 82943/2019 - INTERVENTION APPLICATION
IA No. 104366/2019 - INTERVENTION APPLICATION
IA No. 107588/2019 - INTERVENTION APPLICATION
IA No. 71482/2018 - INTERVENTION APPLICATION
IA No. 72138/2018 - INTERVENTION APPLICATION
IA No. 72488/2018 - INTERVENTION APPLICATION
IA No. 82812/2018 - INTERVENTION APPLICATION
IA No. 95227/2018 - INTERVENTION APPLICATION
IA No. 116607/2018 - INTERVENTION APPLICATION
IA No. 128557/2018 - INTERVENTION APPLICATION
IA No. 77453/2019 - INTERVENTION APPLICATION
IA No. 97702/2019 - INTERVENTION APPLICATION
IA No. 105211/2019 - INTERVENTION APPLICATION
IA No. 107367/2019 - INTERVENTION APPLICATION
IA No. 67001/2018 - INTERVENTION APPLICATION
IA No. 72114/2018 - INTERVENTION APPLICATION
IA No. 88561/2018 - INTERVENTION APPLICATION
IA No. 113583/2018 - INTERVENTION APPLICATION
IA No. 115151/2018 - INTERVENTION APPLICATION
IA No. 115944/2018 - INTERVENTION APPLICATION
IA No. 62686/2019 - INTERVENTION APPLICATION
IA No. 103163/2019 - INTERVENTION APPLICATION
IA No. 72211/2018 - INTERVENTION APPLICATION
IA No. 80246/2018 - INTERVENTION APPLICATION
IA No. 94629/2018 - INTERVENTION APPLICATION
IA No. 110623/2018 - INTERVENTION APPLICATION
IA No. 61372/2019 - INTERVENTION APPLICATION
IA No. 102309/2019 - INTERVENTION APPLICATION
IA No. 66094/2018 - INTERVENTION/IMPLEADMENT
IA No. 91143/2018 - INTERVENTION/IMPLEADMENT
IA No. 114985/2018 - INTERVENTION/IMPLEADMENT
IA No. 58851/2019 - INTERVENTION/IMPLEADMENT
IA No. 91808/2019 - INTERVENTION/IMPLEADMENT
IA No. 71438/2018 - INTERVENTION/IMPLEADMENT
IA No. 114978/2018 - INTERVENTION/IMPLEADMENT
IA No. 72189/2018 - INTERVENTION/IMPLEADMENT
IA No. 114970/2018 - INTERVENTION/IMPLEADMENT
IA No. 118038/2018 - INTERVENTION/IMPLEADMENT
IA No. 90877/2018 - INTERVENTION/IMPLEADMENT
IA No. 114962/2018 - INTERVENTION/IMPLEADMENT
IA No. 134965/2018 - INTERVENTION/IMPLEADMENT
IA No. 116941/2018 - INTERVENTION/IMPLEADMENT
IA No. 81351/2019 - INTERVENTION/IMPLEADMENT
IA No. 66133/2019 - INTERVENTION/IMPLEADMENT
IA No. 81346/2019 - INTERVENTION/IMPLEADMENT
IA No. 66759/2018 - INTERVENTION/IMPLEADMENT
IA No. 114988/2018 - INTERVENTION/IMPLEADMENT
IA No. 126404/2018 - INTERVENTION/IMPLEADMENT
IA No. 103237/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 110611/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 72068/2018 - RECALLING THE COURTS ORDER)

C.A. No. 11008/2017 (XVII-A)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 17008-17011/2017 (XVII-A)
(IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION
IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 15770/2018 - CLARIFICATION/DIRECTION
IA No. 138460/2018 - CLARIFICATION/DIRECTION
IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 94844/2018 - INTERVENTION/IMPLEADMENT
IA No. 94782/2018 - INTERVENTION/IMPLEADMENT
IA No. 93352/2018 - INTERVENTION/IMPLEADMENT
IA No. 55457/2018 - INTERVENTION/IMPLEADMENT
IA No. 116810/2018 - INTERVENTION/IMPLEADMENT
IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

IA No. 101622/2018 - CLARIFICATION/DIRECTION
IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
IA No. 50215/2019 - INTERVENTION/IMPLEADMENT
IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
IA No. 101795/2018 - INTERVENTION/IMPLEADMENT)

C.A. No. 20003/2017 (XVII-A)
(IA No. 144379/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 30997/2017 (XVII-A)

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

(WITH IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 6837-6838/2018 (XVII-A)

(WITH IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)
SLP(C) No. 12667/2018 (XVII-A)

IA No. 127173/2018 - CLARIFICATION/DIRECTION
IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)

Diary No(s). 20540/2018 (XVII-A)

IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL
IA No. 104958/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

C.A. No. 8524/2018 (XVII-A)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)

C.A. No. 10609/2018 (XVII-A)

SLP(C) No. 30270/2018 (XVII-A)

Diary No(s). 40477/2018 (XVII-A)

IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 168354/2018 - CONDONATION OF DELAY IN FILING
IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 51/2019 (X)

IA No. 8597/2019 - CLARIFICATION/DIRECTION)

Diary No(s). 1380/2019 (XVII-A)

IA No. 14639/2019 - CONDONATION OF DELAY IN FILING
IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 4454/2019 (XVII-A)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 3236/2019 (XVII-A)

C.A. No. 3269/2019 (XVII-A)

(With IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3935/2019 (XVII-A)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII-A)

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Diary No(s). 13969/2019 (XVII-A)
(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
IN FILING)

C.A. No. 5177/2019 (XVII-A)

C.A. No. 5190/2019 (XVII-A)
(FOR ADMISSION)

C.A. No. 5912/2019 (XVII-A)
(FOR ADMISSION)

Date : 12-12-2019 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, Adv (A.C.)
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For Appellant(s)

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Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Mr. M.L. Lahoty, Adv.
Mr. Nanikya Khanna, Adv.
Mr. Pratyaksh Sharma, Adv.
Ms. Nidhi Mohan Parashar, AOR

Mr. Ajay Kumar Talesara, AOR
Mr. Saurav Kumar, Adv.
Mr. A.P. Sinha, Adv.

Mr. Deepak Goel, AOR

Mr. Sahil Tagotra, AOR

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

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Adv.
Mr. Tishwar Prasad, Adv.
Ms. Perna Mehta, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Narayan, AOR
Mr. Shashwat Goel, Adv.
Mr. Digvijay Dam, Adv.

Mr. Himanshu Shekhar, AOR
Mr. Shubhranshu Padhi, AOR
Ms. Ranjeeta Rohatgi, AOR
Ms. Divya Roy, AOR
Mr. Vikas Mehta, AOR
Mr. Devendra Singh, AOR
Mr. Kamendra Mishra, AOR
Ms. Aswathi M.k., AOR
Mr. Gaurav, AOR
Mr. Pahlad Singh Sharma, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Pawanshree Agrawal, AOR
Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh Kumar Shukla, Adv.
Ms. Aishwarya Bhati, Sr. Adv.
Mr. Pushpraj, Adv.
Ms. Chitrangda Raitravara, Adv.
Mr. Joydip, Adv.
Ms. Celesty Agarwal, Adv.
Ms. Kirti Khangrot, Adv.
Mr. Gp. Capt. Karan Singh Bhati, AOR
Dr. A.M. Singhvi, Sr. Adv.
Mr. Pinaki Misra, Sr. Adv.
Dr. Menaka Guruswamy, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Neeha Nagpal, Adv.
Ms. Mayuri Nayyar Chawla, Adv.
Mr. E. C. Agrawala, AOR
Mr. Vishal Gosain, Adv.
Mr. Mohit Negi, Adv.
Mr. Nirvikar Singh, Adv.

Petitioner-in-person

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Mr. T.A. Khan, Adv.

Mr. Chandra Shekhar Suman, Adv.

Mr. Avdhesh Kumar Singh, Adv.

Ms. Rita Gupta, Adv.

Mr. B. V. Balaram Das, AOR

Mr. E. C. Agrawala, AOR

Respondent-in-person

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Mr. Ashok Mathur, AOR

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Ms. Poonam Anand, Adv.

Mr. Keshav Mohan, Adv.

Mr. Rishi K. Awasthi, Adv.

Mr. Prashant Kumar, Adv.

Mr. Piyush Vatsa, Adv.

Mr. Santosh Kumar - I, AOR

Mr. D. Abhinav Rao, AOR

Mr. P. K. Jain, AOR

Mr. Kaushik Poddar, AOR

Ms. Divya Roy, AOR

Mr. Siddharth, AOR

Mr. Rakesh Mishra, AOR

Mr. Shantanu Sagar, AOR

Ms. Filza Moonis, AOR

Mr. Chandra Bhushan Prasad, AOR

Mr. Abhijat P. Medh, AOR

Ms. Aswathi M.k., AOR

Mr. Anip Sachtey, Sr. Adv.

Mr. Rahul Kumar, Adv.

Mr. Chetanya Singh, Adv.

Mr. Navneet K. Sarin, Adv.
Mr. Ilash Shukla, Adv.
Ms. Ria Sachthey, Adv.
Mr. Prince N. Cama, Adv.
Mr. Jay Kishor Singh, AOR

Mr. Siddharth Mehra, Adv.
Ms. Anjali Sharma, Adv.
Mr. M. R. Shamshad, AOR

Ms. Harsh Lata, AOR
Mr. Gazab Singh Chauhan, Adv.

Mr. Birendra Kumar Mishra, AOR

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Mr. Amit Sahni, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Rajeev Singh, AOR

Mr. Sanjay Parikh, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Ms. Sanjan Srikumar, Adv.
Mr. Karun Sharma, Adv.

Ms. Charu Mathur, AOR

Mr. Rajesh Goyal, AOR
Ms. Vandana Surana, Adv.
Mr. Sunder Khatri, Adv.

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Ms. Rashi Bansal, AOR

Mr. Anand Sukumar, Adv.
Mr. S. Sukumaran, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, AOR

Mr. Amit Sharma, AOR

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
M/S. Gagrath And Co, AOR

Mr. Mayank Goel, AOR

Mr. Anupam Lal Dass, Adv.
Mr. Sanjay Bhatt, Adv.
Ms. Niharika Sharma, Adv.
Ms. Sushmita Banerjee, Adv.
Mr. Rabin Majumder, AOR

Mr. Vipin Kumar Jai, AOR

Mr. Gopal Jha, AOR

Mr. Akshat Shrivastava, AOR
Mr. Vinod Prasad, Adv.
Mr. Inderjeet Yadav, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Lalit Mohan, Adv.
Mr. Johnson Subba, Adv.

Dr. Lalit Bhasin, Adv.
Ms. Nina Gupta, Adv.
Ms. Palak Chadha, Adv.
Ms. Ruchika Joshi, Adv.
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Mr. Gyan Prakash Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Rajat Sehgal, AOR

Mr. M. P. Vinod, AOR

Ms. Shobha Gupta, AOR

Mr. Ravindra Bana, AOR

Mr. Siddhartha Jha, AOR

Mr. Chandra Shekhar Mishra, Adv.
Mr. Ashwani Kumar Dubey, AOR

Mr. Kedar Nath Tripathy, AOR

Ms. Garima Prashad, AOR

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Mr. Rajiv Dutta, Sr. Adv.
Mr. P.R. Kovilan, Adv.

Mrs. Geetha Kovilan, AOR

Mr. Nikhil Swami, AOR

Ms. Praveena Gautam, Adv.

Mr. Shekhar Vyas, Adv.

Ms. Nitya Rao, Adv.

Mrs. Anil Katiyar, AOR

Mr. Vivek Gupta, AOR

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Mr. Abhijeet Shah, Adv.

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Pragya Palawat, Adv.

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. C. K. Sasi, AOR

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Mr. Sureshan P., AOR

Mr. R.S. Suri, Sr. Adv.

Mr. Himanshu Sinha, Adv.

Mr. Bhuwan Dhoopar, Adv.

Mr. Aditya Giri, Adv.

Mr. Syed Jafar Alam, AOR

Mrs. B. Sunita Rao, AOR

Mr. Arvind Gupta, AOR

Mr. Abhay Kumar, AOR

Mr. Kumar Milind, Adv.

Mr. Vineet Kr. Singh, Adv.

Mr. M. P. Devanath, AOR

Ms. Madhurima Tatia, AOR

Mr. Rohit Sharma, Adv.

Mr. Atul Agarwal, Adv.

Mr. Rounak Nayak, Adv.

Mr. Kumar Dushyant Singh, AOR

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Vasanth Bharani, Adv.

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Mr. Somanatha Padhan, AOR

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Mr. Gaurav Goel, AOR

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Mr. Anant Kr. Vatsya, Adv.

Mr. Ghanshyam, Adv.

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Mr. Praveen Agrawal, AOR

Mr. Prithvi Pal, AOR

Mr. Prashant Kumar, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. Dhawesh Pahuja, Adv.

Ms. Charu Ambwani, AOR

Mr. Sumit R. Sharma, AOR

Shri. Gaichangpou Gangmei, AOR

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Mr. Akash Chatterjee, Adv.

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Mr. Umang Shankar, AOR

Mr. Vineet Bhagat, AOR

Mr. Jatin Zaveri, AOR

Mr. Karan Bharihoke, AOR

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Mr. S.Udaya Kumar Sagar, AOR

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Mr. Shashank Manish, AOR

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Ms. Twinkle Kataria, Adv.

Ms. Nidhi Sahay, Adv.

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Mr. Ranjit Kumar Sharma, AOR

Ms. Preeti Singh, AOR

Mr. Preshit Vilas Surshe, AOR

Mr. Amit Pawan, AOR

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Mr. D.K. Rustagi, Adv.

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Mr. Pahlad Singh Sharma, AOR

Mr. Balaji Srinivasan, AOR

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Mohd. Tauseef, Adv.

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Mr. Partha Sil, AOR

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Ms. Upasana Nath, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Ayushman Awasthi, Adv.
Mr. Shankar Narayanan, Adv.

Mr. Shantanu Krishna, AOR

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

Ms. Tara V. Ganju, Adv.
Kashin Dutta, Adv.
Ms. Jyoti Mendiratta, AOR
Mr. R.P. Singh, Adv.

Dr. Aman Hingorani, Adv.
Mr. Himanshu Yadav, Adv.
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Mr. Ashok Karthik, Adv.

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Mr. Ashok Sikka, Adv.

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Ms. Bansuri Swaraj, Adv.

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Mr. S.K. Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Sandhya Sharma, Adv.

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

This Bench has been constituted specifically to deal with group of matters pertaining to the home buyers of Unitech Limited. The cause-list was notified last evening.

Mr Pawanshree Agrawal, learned *amicus curiae* has informed the Court that the learned Attorney General is engaged today before the Constitution Bench and has, hence, expressed his inability to be present to assist the Court.

On the previous date on 29 July 2019 a proposal was submitted by the Union government on behalf of NBCC (India) Limited for taking over the building projects of Unitech. The proposal was placed before this Court by the learned Attorney General.

Mr Pawanshree Agrawal has also informed the Court that M/s Grant Thornton (represented by Mr Sameer Paranjape) who have been entrusted with the responsibility of preparing a forensic audit were unable to remain present before the Court because of the short notice.

Subject to the Registry obtaining administrative directions of Hon'ble the Chief Justice of India, the present proceedings may be listed before this Bench on Wednesday, 18 December 2019, having regard to the interest of a large number of home buyers.

We would request the Forensic Auditors to make it convenient to attend the proceedings and to apprise the Court of the progress which has been made.

On the next date of listing, the Court would proceed in the following manner:

(i) The report of the Forensic Auditors M/s Grant Thornton would be perused with the assistance of the authorised representative Mr Sameer Paranjape;

(ii) The proposal which has been submitted on behalf of the NBCC (India) Limited by the learned Attorney General shall be perused and such objections, if any,

submitted by the home buyers shall be considered;

(iii) The report for further directions that may be submitted by Mr Pawanshree Agrawal, learned *amicus curiae* shall be taken up; and

(iv) Pending IAs shall be considered in seriatum so that each of them can be dealt with separately.

On the request of the learned *amicus curiae*, we have taken note of the grievance that the names of several home buyers could not be included in the portal as a result of its closure. We permit the *amicus curiae* to reopen the portal for a period of one week from today so that all home buyers who wish to register on the portal may do so in the meantime. Similarly, the portal for ex-employees shall also be opened for a period of one week from today so that those who seek to register may do so in the meantime.

By the order of this Court dated 5 July 2019, we had dealt with the distribution of moneys which have been earmarked for the fixed deposit holders. At that stage, the Court had directed that initial disbursement of the pro rata principal shall take place to fixed deposit holders of the age group of 60 years and above and from amongst that group, disbursement shall take place on the basis of the duration of the investment in fixed deposit.

Mr Pawanshree Agrawal, learned *amicus curiae* points out that if the above principle is applied, all fixed deposit holders up to September 2012 would be paid the

entirety of their principal. On the other hand, if a pro rata distribution is made to all senior citizens irrespective of the date of the investment, the payment will be made pro rata to all senior citizens. Since all senior citizens fall in common category, we are of the view that it is necessary to modify the earlier direction of 5 July 2019 by directing that pro rata disbursement of the principal shall be made to all the fixed deposit holders of the age group of 60 years and above irrespective of the length of the investment. The earlier directions dated 5 July 2019 are modified to the aforesaid extent.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

ITEM NO.301

COURT NO.8

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA No. 126833/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 179388/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 118418/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 131930/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 167501/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 163215/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 143332/2019 - CLARIFICATION/DIRECTION
 IA No. 168590/2019 - CLARIFICATION/DIRECTION
 IA No. 127532/2019 - CLARIFICATION/DIRECTION
 IA No. 116589/2019 - INTERVENTION APPLICATION
 IA No. 116576/2019 - INTERVENTION APPLICATION
 IA No. 122309/2019 - INTERVENTION APPLICATION
 IA No. 142769/2019 - INTERVENTION APPLICATION
 IA No. 118517/2019 - INTERVENTION APPLICATION
 IA No. 134346/2019 - INTERVENTION APPLICATION
 IA No. 118412/2019 - INTERVENTION APPLICATION
 IA No. 117566/2019 - INTERVENTION APPLICATION
 IA No. 127529/2019 - INTERVENTION APPLICATION
 IA No. 126831/2019 - INTERVENTION/IMPLEADMENT
 IA No. 143330/2019 - INTERVENTION/IMPLEADMENT
 IA No. 168586/2019 - INTERVENTION/IMPLEADMENT
 IA No. 131928/2019 - INTERVENTION/IMPLEADMENT
 IA No. 117154/2019 - INTERVENTION/IMPLEADMENT
 IA No. 153933/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(IA No. 162939/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 35051/2019 - CLARIFICATION/DIRECTION
 IA No. 12/2013 - EXEMPTION FROM FILING O.T.
 IA No. 118081/2019 - INTERVENTION APPLICATION
 IA No. 9/2011 - PERMISSION TO FILE ANNEXURES
 IA No. 13/2016 - PERMISSION TO FILE ANNEXURES
 IA No. 11/2013 - PERMISSION TO FILE ANNEXURES
 IA No. 10/2013 - PERMISSION TO FILE ANNEXURES)

C.A. No. 11108/2016 (XVII-A)

(IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 148794/2018 - CLARIFICATION/DIRECTION
 IA No. 106354/2018 - CLARIFICATION/DIRECTION
 IA No. 86494/2018 - CLARIFICATION/DIRECTION
 IA No. 86487/2018 - CLARIFICATION/DIRECTION
 IA No. 148790/2018 - INTERVENTION APPLICATION
 IA No. 106352/2018 - INTERVENTION APPLICATION
 IA No. 86492/2018 - INTERVENTION APPLICATION
 IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)

C.A. No. 10851/2016 (XVII-A)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)

C.A. No. 2511-2526/2017 (XVII-A)

S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

(WITH IA No. 1/2017 - PERMISSION TO FILE SLP)

C.A. No. 5174-5181/2017 (XVII-A)
 (IA No. 106008/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 53934/2017 - CLARIFICATION/DIRECTION)

C.A. No. 5674/2017 (XVII-A)

C.A. No. 9391-9404/2017 (XVII-A)

(IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)

C.A. No. 15493/2017 (XVII-A)
(IA No. 169933/2019 - APPLICATION FOR TRANSPOSITION
IA No. 169922/2019 - CLARIFICATION/DIRECTION)

SLP(Cr1) No. 5978-5979/2017 (II-C)
(IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER
IA No. 102131/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105983/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105977/2019 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 105644/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 97705/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 105639/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 107358/2019 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 81346/2019 - INTERVENTION/IMPLEADMENT
IA No. 66759/2018 - INTERVENTION/IMPLEADMENT
IA No. 114988/2018 - INTERVENTION/IMPLEADMENT
IA No. 126404/2018 - INTERVENTION/IMPLEADMENT
IA No. 103237/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 110611/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 72068/2018 - RECALLING THE COURTS ORDER)

C.A. No. 11008/2017 (XVII-A)
(IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.98117/2017-DELETING THE NAME OF RESPONDENT)

C.A. No. 17008-17011/2017 (XVII-A)
(IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION
IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 15770/2018 - CLARIFICATION/DIRECTION
IA No. 138460/2018 - CLARIFICATION/DIRECTION
IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 94844/2018 - INTERVENTION/IMPLEADMENT
IA No. 94782/2018 - INTERVENTION/IMPLEADMENT
IA No. 93352/2018 - INTERVENTION/IMPLEADMENT
IA No. 55457/2018 - INTERVENTION/IMPLEADMENT
IA No. 116810/2018 - INTERVENTION/IMPLEADMENT
IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

IA No. 101622/2018 - CLARIFICATION/DIRECTION
IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
IA No. 50215/2019 - INTERVENTION/IMPLEADMENT
IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
IA No. 101795/2018 - INTERVENTION/IMPLEADMENT)

C.A. No. 20003/2017 (XVII-A)
(IA No. 144379/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 30997/2017 (XVII-A)

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

(WITH IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 6837-6838/2018 (XVII-A)

(WITH IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)
SLP(C) No. 12667/2018 (XVII-A)

IA No. 127173/2018 - CLARIFICATION/DIRECTION
IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)

Diary No(s). 20540/2018 (XVII-A)

IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL
IA No. 104958/2018 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

C.A. No. 8524/2018 (XVII-A)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)

C.A. No. 10609/2018 (XVII-A)

SLP(C) No. 30270/2018 (XVII-A)

Diary No(s). 40477/2018 (XVII-A)

IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 168354/2018 - CONDONATION OF DELAY IN FILING
IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 51/2019 (X)

IA No. 8597/2019 - CLARIFICATION/DIRECTION)

Diary No(s). 1380/2019 (XVII-A)

IA No. 14639/2019 - CONDONATION OF DELAY IN FILING
IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 4454/2019 (XVII-A)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 3236/2019 (XVII-A)

C.A. No. 3269/2019 (XVII-A)

(With IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 3935/2019 (XVII-A)
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII-A)

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Diary No(s). 13969/2019 (XVII-A)
 (FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
 IN FILING)

C.A. No. 5177/2019 (XVII-A)

C.A. No. 5190/2019 (XVII-A)
 (FOR ADMISSION)

C.A. No. 5912/2019 (XVII-A)
 (FOR ADMISSION)

Date : 18-12-2019 These matters were called on for hearing today.

CORAM :

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

Re: Proposal submitted by the NBCC

In pursuance of the previous orders dated 9 May 2019 and 5 July 2019, Mr K K Venugopal, learned Attorney General for India, has placed on the record the methodology proposed for undertaking the completion of stalled/incomplete projects of Unitech Group under the auspices of NBCC. The methodology proposed envisages the appointment of a four member committee by this Court. The role of the Committee is to oversee the implementation of the entire proposal by NBCC. NBCC, on its part, has proposed that it will act as a Project Management Consultant under the supervision of the Committee. NBCC has, however, stated that it will not undertake any work of construction. NBCC has not accepted any commitment of its own in financial terms. For the work which it proposes to perform, it expects a fee calculated at the rate of eight per cent of the actual cost of work.

Explaining the terms of the proposal, the learned Attorney General submitted that while NBCC is willing to fulfill the task, if it is entrusted by the Court, the successful completion of the work will depend upon the funds being made available for NBCC without which there can be no guarantee of the work being completed expeditiously.

Pursuant to the liberty granted by the Court, the home buyers have expressed serious objections to the proposal. The *amicus curiae* has made a summary of those objections.

The Learned Attorney General has fairly placed the conditionalities in the proposal, which has been submitted by NBCC.

We have, during the course of the hearing, also deliberated on certain developments which had taken place during the pendency of these proceedings which ultimately culminated in an order dated 18 December 2017.

From the record, it emerges that the Union of India had moved the National Company Law Tribunal¹ in an application being CP-423(ND) of 2017 under Sections 241 and 242 of the Companies Act 2013. Highlighting the mismanagement which had taken place in the conduct of the affairs of Unitech Limited, the Union of India, by its application which was filed on 5 December 2017, sought directions from the NCLT for the suspension of the

current Directors, and an order of restraint on the alienation of assets by the company.

The NCLT, by its order dated 8 December 2017, issued interim directions in the following terms:

“(i) The current directors Respondent No 2 to 9 are suspended and restrained from acting as directors of respondent no 1 company;

(ii) All the respondents are restrained from alienating, mortgaging, creating charge or lien or interest in the properties owned by them personally or that of the company till the conclusion of investigation as directed by this Tribunal vide order dated 6.10.2016. (The inspection had started but due to non-cooperation, it has not been completed).

(iii) Ad-interim applicant are permitted to appoint 10 nominee directors on the Board of Directors of respondent no.1 company which shall remain subject to the approval of this Tribunal. A complete list alongwith antecedents of the nominee directors supported by an affidavit of a responsible officer be filed enabling this Bench to examine about their antecedents, eligibility and qualification.”

Since these proceedings were pending before this Court, when the hearing took place on 13 December 2017, the following statement was, however, recorded by this Court:

“Mr Venugopal, appearing for Union of India very fairly stated, and we appreciate and record the same without any reservation, that the National Company Law Tribunal (NCLT) should not have been approached and/or should not have passed the order of the present nature.

In view of the aforesaid statement made by learned Attorney General for India, we direct stay of the order dated 08th December 2017 passed by NCLT, Principal Bench in CP-423/(ND)/2017.”

Subsequently, on 12 January 2018, it was submitted on behalf of the Union of India before this Court by learned counsel that the petition which was instituted before the NCLT shall be withdrawn. Pursuant to this, an application was filed before the NCLT on which an order was passed on 16 February 2018 for the withdrawal of the petition, being CP-423(ND) of 2017, in pursuance of the statement which was recorded by this Court in its order dated 12 January 2018.

These developments took place when the NCLT had been moved after this court had already assumed jurisdiction in the matter. As the course of events unfolded, this Court, by its previous orders, indicated the urgent need for the projects of Unitech Limited to be taken up by a specialised agency so as to ensure completion in a time bound schedule in the interest of the home buyers.

Since the Union of India withdrew the application which it had submitted before the NCLT only for the reason that this Court was seized of the present proceedings, we are of the view that the Union of India should revisit the original proposal in the interests of home buyers and consider appointing independent Directors for the takeover of the management of Unitech Limited. These deliberations may be conducted at the highest level so that the Court can be apprised by the learned Attorney General of the modalities which have been worked out.

The response of the Union of India may be filed on or before 15 January 2020. We commend the Union of India to take urgent action since the interests of nearly 12,000 home buyers is involved.

We hope and expect that a reasonable solution to the issue can be found. We leave it open to the Union of India to pursue alternative modalities so as to protect the interests of the home buyers.

Learned *amicus curiae* has agreed to provide the learned Attorney General with a compilation containing all the documents pertaining to the earlier application which has been noted in the above order.

Re: Report of the Forensic Auditors

Mr Sameer Paranjape and Mr Nitin Talwar of M/s Grant Thornton have submitted an interim report on the Forensic Audit of Unitech Limited.

During the course of the hearing, the two representatives of M/s Grant Thornton have explained the Executive Summary attached to the Report which contains the gist of the findings. From the Report, some of the salient features which have emerged are summarised below:

- (i) An amount of INR 14,270 crores was collected by Unitech from 29,800 home buyers. Of this amount, INR 13,364 crores has been traced in the bank statements. Almost 90% of these collections were received during the period 2006-2014;

- (ii) The money trail analysis reveals that out of the collections from the home buyers amounting to INR 13,364.55 crores approximately, INR 5,063.05 crores or 40% of the collections were potentially not utilized by the Unitech group towards the construction/execution of the 74 identified projects. Moreover, due to limited information which has been provided to the Forensic Auditors, they have not been able to ascertain outflows aggregating to INR 2,389.73 crores, more particularly, on whether this amount was utilized for the 74 projects;
- (iii) Unitech availed of financial facilities aggregating to INR 1,805.86 crores from six financial institutions for the construction/execution of 74 projects. The money trail analysis reveals that 42%, amounting to INR 763.06 crores, has not been utilized for the construction/execution of these projects. As a result of limited information being provided to the Forensic Auditors, they have not been able to ascertain if outflows aggregating to INR 504.30 crores have been utilized for the 74 projects;
- (iv) Due to Unitech not submitting relevant data, the Forensic Auditors have not been able to perform their analysis on 23 projects and the analysis has been confined to the remaining 51 projects;

- (v) At an aggregate level, across the 51 projects, the collections exceeded the costs by INR 2,794.83 crores. This indicates that for 51 projects, INR 2,794.83 crores, which was collected from the home buyers, was not used for the purpose of the projects. Extrapolated across the remaining 23 projects, this data will match the estimation made by the Forensic Auditors;
- (vi) The Forensic Auditors have found instances which indicate a potential diversion of funds from Unitech:
- (a) One category consists of high value of investments/advances made and consequently written off in off-shore tax-haven countries/companies. Between 2007-2010, three subsidiaries of Unitech made investments of INR 1,745.81 crores in ten companies in Cyprus. Between 2016-2018, an amount of INR 1,406.33 crores or 80% of the total investment value was written off in these investments while the remaining amount of INR 339 crores is appearing as equity investments in the books of accounts. Similarly, in 2007-2008, Unitech Global Limited, a company registered in Jersey and a subsidiary of Nuwell Limited, another subsidiary, advanced a loan of INR 294.47 crores to Kortel Limited, another step-down subsidiary of Unitech. Kortel made

investments of INR 292.99 crores in three foreign entities based in Cyprus during 2015-2016. INR 294.47 crores (100% of total investment value) was written off in the books of Kortel.

(b) There is a high value of receivables due from related/undisclosed related parties. The Forensic Auditors have pointed out several instances in this regard:

(i) Between 2009-2011, Unitech sold five wholly owned subsidiaries to three undisclosed related parties at an amount of INR 493.72 crores for which as on 30 November 2018, a balance of INR 294.30 crores is receivable.

(ii) During March 2011 and October 2013, Unitech advanced INR 237.63 crores to a related party, Millennium Construction Private Limited, for the acquisition of the shares of a company by the name of Grandeur Buildwell Private Limited. No shares of the company were allotted to Unitech and the entire advances are still receivable.

(c) There is a diversion of funds through transactions with undisclosed related parties. The Forensic Auditors have indicated the following instances in this regard:

(i) In 2011-2012, Unitech and two subsidiaries entered into transactions with Arkhion Design Private limited for availing of architectural services of a value of INR 108.92 crores. Emails indicate that Unitech employees were involved in the management of operations of the said company. The Forensic Auditors have not been provided supporting documents pertaining to these transactions;

(ii) Between 2012-2018, Unitech and its two other subsidiaries entered into transactions with Febiana Design and Construction Private Limited for availing of services related to civil work aggregating to INR 291.89 crores. The financial information available on the website of the Ministry of Corporate Affairs indicates significant variances in the reported financial information vis-a-vis aggregated transactions carried out

with Unitech and its two subsidiaries. Febiana had entered into transactions aggregating to INR 273.58 crores with Unitech Group between 2012-2013 to 2016-2017. However, the documents uploaded by Febiana on the website of the Ministry of Corporate Affairs shows its reported income as INR 106.82 crores only.

- (iii) The third instance is that between 2015-2018, Unitech had entered into transactions pertaining to the sale of land and other development expenditure in the value of INR 446.40 crores with five entities related to Trikar Group. These transactions were potentially not at arm's length. Certain employees of Unitech were shifted/transferred on the payrolls of Trikar Group of Companies which have been managed by the promoters of Unitech. Multiple emails indicate that these entities appeared to be associated with the Unitech Group.
- (iv) There is a potential diversion of funds from the personal bank accounts of Mr Ajay Chandra, between 2013-2018.

Unitech had given corporate loans to Platinum Buildmart Private Limited aggregating to INR 126.43 crores of which INR 63.50 crores is still appearing as a receivable. This company had between 2010-2012 transferred INR 71.27 crores to two personal bank accounts of Mr Ajay Chandra.

- (v) Unexplained High Value of payments through a subsidiary of Unitech: QNS Facility Management Private Limited, a subsidiary of Unitech, made payments aggregating to INR 224 crores to (i) entities based in Abu Dhabi/Dubai aggregating to INR 55.45 crores and (ii) potentially undisclosed related parties to the tune of INR 168.55 crores.
- (vi) High value receivable balances written off: On 31 March 2018, Unitech had written off receivable balances aggregating to INR 198 crores pertaining to 26 parties involved in transactions relating to the sale of steel/purchase of scrap with Unitech. No supporting documentation was

provided by the Management.

(vii) Potential manipulation in the books of accounts

Between 2007-2010, Unitech sold 22 wholly owned subsidiaries valued at INR 26.10 crores to six related parties and four undisclosed related parties for an amount aggregating to INR 1,463 crores, booking a profit on these transactions of an equivalent value. In subsequent years, these companies were re-purchased at an aggregate amount of INR 1,555.98 crores, thus making a loss of INR 92.90 crores across both the legs of the transaction.

Apart from making the above findings, the Forensic Auditors have stated in their interim report that there has been a serious mis-representation by Unitech IT team relating to the availability of electronic information. This pertains to information which has been held by Sunil Keswani, Ex-CFO, Manoj Popli and by the promoters, Ramesh Chandra, Ajay Chandra and Sanjay Chandra.

The material which has been placed before the Court by the Forensic Auditors highlights:

- (i) Siphoning off of funds which were received from the home buyers for purposes unrelated to the 74 projects;

- (ii) Diversion of funds to off-shore tax havens;
- (iii) Entering into transactions with undisclosed and disclosed related entities;
- (iv) Diversion of funds to related companies.

The material which has been placed before the Court indicates that large amounts which have been obtained from the financial institutions have not been used for the purpose for which the loans have been obtained and have been diverted for extraneous purposes.

In the background which we have noted in terms of the interim report of the Forensic Auditors, we are clearly of the view that the Union of India must step in forthwith by suspending the management of Unitech Limited and appoint independent Directors to take over the management. The sorry state of affairs to which the home buyers have been reduced is a direct consequence of acts of commission and omission on the part of the management of Unitech Limited and its subsidiaries. The Forensic Auditors have done a commendable job despite the fact that they were not placed in possession of full information and data. The data which has been analysed by the Auditors would indicate that the actual extent of mis-appropriation, siphoning and diversion of funds may be much higher than of what has been estimated in the Report, which has been presented on the basis of available data.

We are also of the view that these acts of commission and omission involved not only acts of wrong doing in relation to the home buyers, but towards the banks and financial institutions. The issue in regard to the element of criminal wrong doing must, in our view, warrant a proper investigation by the law enforcement machinery, both from the angle of money laundering and other related facets. We accordingly direct that the report of the Forensic Auditors be made available to the learned Attorney General for India so that a copy of the Report may be made available to all concerned agencies of the Union of India for further action.

Dr Abhishek Manu Singhvi, learned senior counsel made a fervent plea for releasing the promoters who are presently lodged at Tihar Jail.

The Report of the Forensic Auditors would indicate that there are serious acts of commission and omission on the part of the promoters of Unitech Limited. Moreover, the Forensic Auditors have made a serious grievance of the non-cooperation of the promoters and other managerial personnel of Unitech Limited.

We take serious note of the fact that despite successive orders of this Court, full data and information have not been provided to the Forensic Auditors. We have, therefore, no hesitation in rejecting the applications (IA Nos 182059 of 2019 and 182062 of 2019 in SLP (Cr1) Nos 5978-5979 of 2017) for grant of

bail which are accordingly dismissed.

We would now expect the Union of India to act pro-actively in the matter and inform this Court on the next date of hearing on the steps which it initiates to replace the existing management and ensure that the management of Unitech Limited is handed over to an independent group of directors who can fulfill the mandate and responsibility of attending to the concerns of the home buyers by completing the remaining projects. Equally, we are affirmatively of the view that the Union of India must take all necessary steps to ensure that a proper investigation is carried out by the law enforcing machinery since large amounts which have been collected both from the home buyers as well as from the financial institutions have been *prima facie* found to have been diverted, siphoned off and mis-appropriated.

The office report dated 17 December 2019 indicates that an amount of Rs 7,99,50,000 has been deposited. The amount be kept in a fixed deposit of a nationalized bank offering higher rate of interest for a period of one year. As per the office report, three fixed deposits are maturing on 24 January 2020 and 27 January 2020. These be also renewed for a period of one year with a nationalized bank offering higher rate of interest.

List the matters on 17 January 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)

Date : 07-01-2020 SLP(Cr1) No. 5978-5979/2017 was mentioned today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HRISHIKESH ROY

Mentioned by:

Mr. Abhimanyu Bhandari, Adv.

Mr. Anuroop Chakravarti, Adv.

for Mr. E.C. Agrawala, Adv.

UPON hearing the counsel the Court made the following
O R D E RSLP(Cr1) No. 5978-5979/2017

Learned counsel appearing on behalf of Unitech seeks permission of the Court to deposit Rs 98,68,48,000 in the Registry of the Court. Permission is granted.

The Registry shall invest the amount of Rs 98,68,48,000 in a fixed deposit of any nationalised bank which offers better terms as regards the rate of interest for a period of 91 days.

(SANJAY KUMAR-I)
AR-CUM-PS(SAROJ KUMARI GAUR)
COURT MASTER

ITEM NO.801

COURT NO.8

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 SCivil Appeal No.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH S.L.P.(Cr1.) No.5978-5979/2017

Date : 15-01-2020 This appeal was MENTIONED today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s) Mr. Deepak Goel, AOR

Mr. Abhimanyu Bhandari, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. Vishwendra Tomar, Adv.
For Mr. E.C. Agrawala, AORFor Respondent(s) Mr. K. Venugopal, AG (Mentioned by)
Ms. Shraddha Deshmukh, Adv.
Mr. Ankur Talwar, Adv.
Ms. Chinmayee Chandra, Adv.UPON hearing the counsel the Court made the following
O R D E RCivil Appeal No 10856/2016

On mentioning, the matter is taken on Board.

List the matter on 20 January 2020.

SLP(Cr1) Nos 5978-5979/2017Learned counsel appearing on behalf of Unitech seeks
permission of the Court to deposit Rs 50,00,00,000/- (Rupees

fifty crores only) in the Registry of the Court. Permission is granted.

The Registry shall invest the amount of Rs 50,00,00,000/- (Rupees fifty crores only) in a fixed deposit of any nationalised bank which offers better terms as regards the rate of interest for a period of 91 days.

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

(Saroj Kumari Gaur)
Court Master