

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 &amp; ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI &amp; 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

Amicus Curiae(s) Mr.Pawanshree Agrawal, AOR  
Mr.Varun K.Chopra, Adv.

For Petitioner(s) Mr.Abhimanyu Bhandari, Adv.  
Mr.Abhinav Agrawal, Adv.  
Mr.Rajiv Kumar Virmani, Adv.  
Mr.Atul Malhotra, Adv.  
Mr.Gaurav Jain, Adv.  
Mr.Mahesh Agarwal, Adv.  
Ms.Nivedita Sharma, Adv.  
Ms.Shally Bhasin, Adv.  
Mr.Debashish Moitra, Adv.  
Mr. E. C. Agrawala, AOR  
Mr.Vikas Srivastava, Adv.  
Ms.Kanika Jain, Adv.

For Respondent(s)/ Applicant(s) 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.Manoj Prasad, Sr.Adv.  
Mr.T.Mahipal, Adv.

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

Mr.Mahabir Singh, Sr.Adv.  
Mr.Vikas Deep Jain, Adv.  
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.

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

Ms.Mridula Ray Bhardwaj, Adv.

Mr.Yadav Narender Singh, Adv.

Mr.Vineet Bhagat, Adv.

Mr.Vikas Mehta, Adv.

Ms.Vanshaja Shukla, Adv.

Mr.Umang Shankar, Adv.  
Mr.Jalaj Agarwal, Adv.  
Mr.Mohit Kr.Singh, Adv.

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

Mr.Ishan Sanghi, Adv.

Mr.Sureshan P.,Adv.

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

Ms.Sonal Jain, Adv.

Ms.Shobha, Adv.

Mr.Satyam Jyoti Saikia, Adv.

Mr.Sourav Roy, Adv.

Mr.Shantanu Sagar, Adv.

Mr.S.Rajappa, Adv.

Mr.Ranjit Kumar Sharma, Adv.

Mr.Jitendra Chaudhary, Adv.

Ms. Shilpa Chouhan, Adv.

Mr.Rajesh Singh, Adv.

Ms.Rakhi Ray, Adv.

Mr.Rajesh Kumar, Adv.

Mr.Rajeev Singh, Adv.

Mr.Rahul Kaushik, Adv.

Mr.R.C.Kaushik, Adv.

Mr.Praveen Agrawal, Adv.

Mr.Saurabh Jain, Adv.

Mr.P.K.Jain, Adv.

Mr.P.K.Goswami, Adv.

Mr.S.P.Singh, Adv.

Mr.Nikhil Swami, Adv.

Mr.Soayib Qureshi, Adv.

Mr.Sandeep Bajaj, Adv.

Ms.Nidhi Mohan Parashar, Adv.

Ms.Liz Mathew, Adv.

M/s KMNP Law, AOR

Mr.Kaushik Poddar, Adv.

Ms.Kamakshi S.Mehlawal, Adv.

Mr.Sachin Jain, Adv.

Dr.Kailash Chand, Adv.

Mr.K.K.Mohan, Adv.

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

Mr.Vijay Nair, Adv.  
Mr.Jay Kishore Singh, Adv.

Mr.Gyan Prakash Srivastava, Adv.

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

Mr.Gaurav Sharma, Adv.

Mr.Gaurav Goel, Adv.

Ms.Garima Prashad, Adv.

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

Mr.Divyesh Pratap Singh, Adv.

Mr.D.Abhinav Rao, Adv.

Mr.Avinash Sharma, Adv.

Mr.Aswathi M.K., Adv.

Applicant-in-person

Mr.Amit Sharma, Adv.

Mr.Akshat Shrivastava, Adv.  
Mr.Inderjeet Yadav, Adv.

Mr.Abhinav Shrivastava, Adv.

Mr.Abhay Kumar, Adv.

Ms.Kirti Renu Mishra, Adv.

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

Mr.Kunal Soni, Adv.  
Mr.Rakesh Srivastava, Adv.  
Mr.Rakesh Sharma, Adv.

Mr.Gopal Shankarnarayan, Adv.  
Mr.Awanish Kumar, Adv.  
Mr.Ruchit Dugger, Adv.

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

Mr.Anand Sanjay M.Nuli, Adv.  
Mr.Dharm Singh, Adv.  
Mr.Nanda Kumar K.B., Adv.  
For M/s Nuli & Nuli, AOR

Mr.Vivek Narayan Sharma, Adv.  
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.  
Mr.Anand Nandan, Adv.

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