

ITEM NO.1+2

COURT NO.7

SECTION XVII-A

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. & ORS.

Respondent(s)

84255/2020, 6512/2021, 29915/2021, 39884/2021, 39936/2021,
 116163/2021, 116430/2021, 116432/2021, 9494/2022, 77794/2022,
 77795/2022, 77802/2022, 77813/2022, 103038/2022, 103040/2022,
 126367/2022, 28098/2023, 50055/2023, 93141/2023, 163948/2023,
 164059/2023, 168870/2023, 171200/2023, 210624/2023, 210625/2023,
 219762/2023, 237540/2023, 268510/2023, 268511/2023, 1257/2024,
 39966/2024, 73989/2024, 158534/2024, 158535/2024, 171096/2024,
 198813/2024, 198814/2024, 241599/2024, 268172/2024, 271490/2024,
 286435/2024, 286580/2024, 784/2025, 8716/2025, 9000/2025,
 9001/2025, 9002/2025, 11531/2025, 15231/2025, 31501/2025,
 34018/2025, 34140/2025, 35061/2025, 35064/2025, 54013/2025,
 54018/2025, 73611/2025, 73613/2025, 155795/2025, 155797/2025,
 155799/2025, 156817/2025, 171194/2025, 172559/2025, 184692/2025,
 229281/2025, 261064/2025, 294547/2025, 294698/2025, 96264/2021,
 96517/2021, 100079/2021, 100070/2021, 152952/2021, 153005/2021,
 68319/2022, 68334/2022, 104512/2023, 104509/2023, 93117/2023,
 93115/2023, 103154/2022 & 103115/2022, 294547, 294698 of 2025
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 IA No. 155795/2025 - APPLICATION FOR PERMISSION
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 IA No. 198813/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 77795/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 784/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 261064/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 6512/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50055/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 219762/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 73613/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 229281/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 9494/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 28098/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 210625/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 158534/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 286435/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 116432/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 103040/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 171200/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 39966/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 54013/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 116163/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 241599/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 35064/2025 - APPROPRIATE ORDERS/DIRECTIONS
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 IA No. 34018/2025 - CLARIFICATION/DIRECTION
 IA No. 15231/2025 - CLARIFICATION/DIRECTION
 IA No. 172559/2025 - CLARIFICATION/DIRECTION
 IA No. 158535/2024 - EXEMPTION FROM FILING O.T.
 IA No. 9002/2025 - EXEMPTION FROM FILING O.T.
 IA No. 39884/2021 - INTERVENTION APPLICATION
 IA No. 77802/2022 - INTERVENTION APPLICATION
 IA No. 268510/2023 - INTERVENTION APPLICATION
 IA No. 34140/2025 - INTERVENTION APPLICATION
 IA No. 237540/2023 - INTERVENTION APPLICATION
 IA No. 77794/2022 - INTERVENTION APPLICATION
 IA No. 84255/2020 - INTERVENTION APPLICATION
 IA No. 126367/2022 - INTERVENTION APPLICATION
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 IA No. 93141/2023 - INTERVENTION/IMPLEADMENT
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 IA No. 73611/2025 - INTERVENTION/IMPLEADMENT
 IA No. 184692/2025 - INTERVENTION/IMPLEADMENT
 IA No. 54018/2025 - INTERVENTION/IMPLEADMENT
 IA No. 116430/2021 - INTERVENTION/IMPLEADMENT
 IA No. 171194/2025 - INTERVENTION/IMPLEADMENT
 IA No. 9001/2025 - INTERVENTION/IMPLEADMENT
 IA No. 156817/2025 - INTERVENTION/IMPLEADMENT
 IA No. 198814/2024 - INTERVENTION/IMPLEADMENT
 IA No. 35061/2025 - INTERVENTION/IMPLEADMENT
 IA No. 155799/2025 - INTERVENTION/IMPLEADMENT
 IA No. 294698/2025 - INTERVENTION/IMPLEADMENT
 IA No. 31501/2025 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 11531/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 210624/2023 - RECALLING THE COURTS ORDER
 IA No. 268172/2024 - RECALLING THE COURTS ORDER
 IA No. 271490/2024 - RECOVERY OF THE AMOUNT

WITH

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

FOR

FOR ON IA 1/2017

FOR impleading party ON IA 39719/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 39719/2018
 FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 39720/2018
 FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 46855/2018
 FOR CLARIFICATION/DIRECTION ON IA 127956/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 78083/2020
 FOR impleading party ON IA 113301/2025
 FOR INTERVENTION/IMPLEADMENT ON IA 113301/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 113474/2025
 IA No. 113474/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 78083/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 127956/2018 - CLARIFICATION/DIRECTION
 IA No. 39719/2018 - INTERVENTION/IMPLEADMENT
 IA No. 113301/2025 - INTERVENTION/IMPLEADMENT
 IA No. 46855/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 39720/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 SLP(Crl) No. 5978-5979/2017 (II-D)
 FOR
 FOR INTERVENTION APPLICATION ON IA 106004/2017
 FOR INTERVENTION APPLICATION ON IA 107233/2017
 FOR INTERVENTION APPLICATION ON IA 107245/2017
 FOR INTERVENTION APPLICATION ON IA 138307/2017
 FOR INTERVENTION APPLICATION ON IA 26890/2020
 FOR INTERVENTION APPLICATION ON IA 26898/2020
 FOR INTERVENTION APPLICATION ON IA 23473/2021
 FOR CLARIFICATION/DIRECTION ON IA 35047/2021
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 42065/2021
 FOR CLARIFICATION/DIRECTION ON IA 59412/2021
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 59505/2021
 FOR INTERVENTION APPLICATION ON IA 60284/2021
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 60286/2021
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64922/2021
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 115357/2022
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 51000/2023
 FOR CLARIFICATION/DIRECTION ON IA 104324/2023
 FOR CLARIFICATION/DIRECTION ON IA 104330/2023
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 130217/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 130302/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 183557/2025
 IA No. 130302/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 59505/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130217/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 42065/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 51000/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 115357/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 60286/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 183557/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 59412/2021 - CLARIFICATION/DIRECTION
 IA No. 104330/2023 - CLARIFICATION/DIRECTION
 IA No. 104324/2023 - CLARIFICATION/DIRECTION
 IA No. 35047/2021 - CLARIFICATION/DIRECTION
 IA No. 64922/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 138307/2017 - INTERVENTION APPLICATION

IA No. 60284/2021 - INTERVENTION APPLICATION
 IA No. 107245/2017 - INTERVENTION APPLICATION
 IA No. 107233/2017 - INTERVENTION APPLICATION
 IA No. 106004/2017 - INTERVENTION APPLICATION
 IA No. 23473/2021 - INTERVENTION APPLICATION
 IA No. 26898/2020 - INTERVENTION APPLICATION
 IA No. 26890/2020 - INTERVENTION APPLICATION

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

FOR

FOR CLARIFICATION/DIRECTION ON IA 175609/2019

FOR CLARIFICATION/DIRECTION ON IA 59997/2020

FOR MODIFICATION OF COURT ORDER ON IA 6057/2023

IA No. 59997/2020 - CLARIFICATION/DIRECTION

IA No. 175609/2019 - CLARIFICATION/DIRECTION

IA No. 6057/2023 - MODIFICATION OF COURT ORDER

Diary No(s). 60405/2025 (XVII-A)

IA No. 297217/2025 - CONDONATION OF DELAY IN FILING

IA No. 297215/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Diary No(s). 64417/2025 (XVII-A)

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

IA No. 331541/2025 - APPLICATION FOR RECTIFICATION

WITH

C.A. No. 2496-2497/2020 (XVII-A)

Date : 22-01-2026 These matters were called on for hearing today.

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 HON'BLE MR. JUSTICE K.V. VISWANATHAN

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

1. Today, when the matter was taken up, Mr. N. Venkatraman, the learned A.S.G assisted by Ms. Anubha Agrawal, the learned counsel gave an overview of the entire matter and also handed over a note along with three volumes consisting of the record of all proceedings passed by this Court in this matter hitherto.
2. According to the learned ASG and Ms. Anubha Agrawal, the immediate concern today is to pass orders with regard to lot-5 which consists of 10 tenders.
3. We have before us a report of Hon'ble Mr. Justice Abhay Manohar Sapre (Retd.) dated 19.04.2025 which sets out that the matter pertaining to award of contract to successful bidders in respect of 10 tenders qua lot-5 were discussed in two meetings, one held on 08.04.2025 and the other on 17.04.2025.
4. After setting out the history and considering all the

objections, Hon'ble Mr. Justice A.M. Sapre (Retd.) has made the following recommendations:-

"Having examined the suggestions/objections and the explanations offered by the Management of Unitech, EIL and PMCs to the suggestions/objections which are mentioned in details in the note above and which found accepted by the Board by majority of (4:1), I am inclined to concur with the explanation offered by the Unitech Management set out in detail above so also concur with the approval given by Board by majority and PMCs for awarding of the contracts to the successful bidders in respect of 10 Tenders qua Lot 5 Tenders mentioned in the note above and the subject under consideration.

In view of foregoing discussion, the tenders mentioned above are accordingly approved. While approving, I further recommend acceptance of the tenders are subject to each successful tenderer furnishing the declaration with the Management that there are no criminal cases or/and Economic Offences for commission of any violation pending against them in any court of law/authority/tribunal in India and abroad and that they are not black listed by any PSU or State or central agency for undertaking any civil construction work of the like nature in question."

5. In view of the above, since the tender process and the proposed award of contracts have been vetted by Hon'ble Mr. Justice A.M. Sapre (Retd.), we permit the Board of Directors, Unitech Limited to award the contract in terms of the recommendations made by Hon'ble Mr. Justice A.M. Sapre (Retd.).

6. Ms. Anubha Agrawal, the learned counsel, thereafter invited our attention to the order passed by this Court dated 21.05.2025, more particularly, paras 2, 3, and 4 respectively, which are as under:-

"2. The prayer in this application is to direct NOIDA to

accord permission and approvals of lay out plans, building plans and ancillary approvals for three projects namely: (i) Sectors 96, 97 and 98, (ii) Sector 113, and (iii) Sector 117. The aforesaid prayer has been made in furtherance of the orders passed by this Court previously on 26.04.2024 and 04.12.2024.

3. Mr. Mahesh Jethmalani, learned senior counsel submits that unless the outstanding dues of NOIDA are settled, the permissions and approvals sought by the Unitech cannot be granted.

4. We have considered the rival submissions. Considering the circumstances, NOIDA is directed to process the pending lay out plans, building plans and all other ancillary approvals and accord the necessary approval within two weeks without prejudice to its right to the determination, quantification and payment of outstanding dues. NOIDA may submit its claims before this Court within four weeks. The Unitech Ltd. may submit its counter reply within two weeks thereafter."

7. The grievance of Ms. Anubha Agrawal and Mr. Y.S. Malik, CMD of the Board appointed by this Court is that although New Okhla Industrial Development Authority (NOIDA) has processed the pending lay out plan and the building plans, yet has not till this date granted ancillary approvals and accorded ancillary approvals in relation to the services to be laid in the project.

8. Mr. Ravindra Kumar, the learned senior counsel appearing for NOIDA submitted that his client is duty bound to comply with the directions issued by this Court. However, today, he is unable to make a positive statement whether ancillary approvals have been granted or not.

9. We give one last opportunity to the authority concerned to comply with the order passed by this Court referred to above, more particularly, the grant of ancillary approvals on or before 27.01.2026, failing which the authority concerned from NOIDA shall

personally remain present before us.

10. At this stage, Ms. Agrawal and the CMD of the Board pointed out that the plans were submitted last year and no objections have been taken in that regard till this point of time.

11. Ms. Agrawal thereafter brought to our notice that the Board appointed by this Court has an arbitral award in their favour against the Andhra Pradesh Industrial Infrastructure Corporation ("APIIC"). The award is to the tune of Rs.2,70,00,00,000/- (Rupees Two Hundred Seventy Crores) plus interest.

12. We are informed that the award has now been challenged before the commercial court in Hyderabad, invoking Section 34 of the Arbitration Act.

13. However, the matter of concern is non-compliance of order of this Court dated 12.04.2023 by APIIC. As per the said order, the APIIC has to bear 50% of the stamp duty upon assessment by the competent authority in order to get the Development Agreement stamped.

14. It appears that by order dated 12.04.2023, this Court had directed APIIC to bear 50% of the stamp duty by the assessment by the competent authority.

15. Mr. Challa Kodandaram, the learned senior counsel appearing for the APIIC makes a statement that the order passed by this Court dated 12.4.2023 shall be complied with within a period of one week from today without fail.

16. If the original document has not been produced, the same shall be produced immediately before the Sub-Registrar, Bheemunipatnam under the provisions of the Stamp Act.

17. The Sub-Registrar, Bheemunipatnam, Visakhapatnam, in consultation with the Deputy Collector Stamp Duty Valuation shall assess the stamp duty and inform the Board about the stamp duty due and payable.

18. On communication of the same to the APIIC, 50% of the stamp duty shall be paid by the APIIC within one week from the date of the receipt of the communication. If this direction is not complied with, we shall proceed against the concerned authority strictly.

19. Our attention was thereafter invited to the order dated 16.01.2025, more particularly paras 16 and 17 respectively thereof.

Paras 16 and 17 reads thus:-

"16. Adverting to Part III of the Note for Hearing dated 16.01.2025, submitted by the Office of the learned Additional Solicitor General of India, we find that Unitech has sought two directions to the banks/financial institutions as follows:

(i) where the banks/financial institutions have already sanctioned home loans to the home-buyers but had stopped payments of the balance dues on account of the projects not moving forward, they may be directed to release the outstanding dues in view of the fact that the projects have now been revived; and (ii) with respect to the unsold units, the loan may be sanctioned for the units that may be sold in the ongoing projects in future.

17. We find that before issuing directions in this regard, the banks/financial institutions need to be heard. Hence, notice of the IA may be issued to the following banks/financial institutions, returnable on 06.02.2025:

- 1. IDBI Bank, LIC, Canara Bank (I.A.No.84255/2020)*
- 2. IDBI Bank, LIC, Canara Bank (I.A.No.6512/2021)*
- 3. IDBI Bank, LIC, Canara Bank (I.A.No.9494/2022)*
- 4. IDBI Bank, LIC, Canara Bank (I.A.No.28098/2023)*
- 5. IDBI Bank (I.A.No. 50055/2023)*
- 6. Alchemist Asset Reconstruction Company (I.A.No.29922/2021)"*

20. In compliance with paras 16 and 17 respectively referred to

above, we want the Board and the banks to have a dialogue at the earliest and the banks shall see to it that the loan amounts which have already been sanctioned are released.

21. At this stage, Ms. Agrawal pointed out that substantial amount is lying deposited with the Registry. We want a report from the Registry as regards the exact amount deposited so far and such details shall be furnished to the Board at the earliest.

22. We are informed that there are many interim applications pending for consideration. These applications have been filed by the Board, by the financial institutions, home buyers and other stakeholders.

23. The Registry, on the next date of hearing shall notify the I.A.s in the following format:-

(i) First, all the I.A.s filed by the Board shall be notified.

(ii) Thereafter, all the I.A.s filed by the financial institutions shall be notified.

(iii) Thereafter, all the I.A.s filed by the home buyers shall be notified and in the last part, if there are any other I.A.s filed by any of the stakeholders, those will be notified.

I.A. Nos. 323077/2025, 113000/2022 and 113018/2022

24. Mr. Aditya Malhotra, the learned counsel appearing for the applicant informed that he has filed I.A. No. 323077/2025 seeking permission to withdraw the I.A. Nos. 113000/2022 and 113018/2022. Permission is granted.

25. The I.A. Nos. 113000/2022 and 113018/2022 stand dismissed as

not pressed.

26. Post the matters on 25.02.2026 at 02:00 P.M..

27. The documents (note along with three volumes consisting of the record of all proceedings) handed over by the learned counsel for the appellant shall be returned to the concerned Section.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)