

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.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(With appln.(s) for appropriate orders/directions, clarification/
direction and intervention/impleadment)

WITH S.L.P.(C) No.9572/2007 (XI)

(With appln.(s) for permission to file Annexures, exemption from
filing O.T., clarification/direction, appropriate orders/
directions)

C.A. No.11108/2016 (XVII-A)

(With appln.(s) for permission to file additional documents)

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

(With appln.(s) for permission to file Annexures)

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

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

(With appln.(s) for permission to file SLP)

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

(With appln.(s) for clarification/direction and appropriate orders/
directions)

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

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

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

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

(With appln.(s) for clarification/direction and transposition)

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

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

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

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

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

(With appln.(s) for exemption from filing c/c of the impugned
judgment, permission to file additional documents/facts/Annexures,
appropriate orders/directions, clarification/direction,
intervention/impleadment, for transposition)

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

(With appln.(s) for intervention/impleadment)

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

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

C.A. Nos.6837-6838/2018 (XVII-A)
S.L.P.(C) No.12667/2018 (XVII-A)
Diary No.20540/2018 (XVII-A)
(With appln.(s) for c/delay in filing SLP)
C.A. No.8524/2018 (XVII-A)
C.A. No.10609/2018 (XVII-A)
S.L.P.(C) No.30270/2018 (XVII-A)
Diary No.40477/2018 (XVII-A)
(With appln.(s) for c/delay in filing SLP)
W.P.(C) No.51/2019 (X)
Diary No.1380/2019 (XVII-A)
(With appln.(s) for c/delay in filing SLP)
Diary No.4454/2019 (XVII-A)
(With appln.(s) for c/delay in filing SLP)
C.A. No.3236/2019 (XVII-A)
C.A. No.3269/2019 (XVII-A)
(With appln.(s) for appropriate orders/directions)
C.A. No.3935/2019 (XVII-A)
(With appln.(s) for clarification/direction)
Diary No.13860/2019 (XVII-A)
(With appln.(s) for c/delay in filing SLP)
Diary No.13969/2019 (XVII-A)
(With appln.(s) for c/delay in filing SLP and interim relief)
C.A. No.5177/2019 (XVII-A)
C.A. No.5190/2019 (XVII-A)
C.A. No.5912/2019 (XVII-A)

Date : 10-02-2020 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) Mr. Ajay Kumar Talesara, AOR
 Mr. A.P. Singh, Adv.
 Mr. Saurav Kumar, Adv.

 Mr. Deepak Goel, AOR

 Mr. Dhruv Mehta, Sr. Adv.
 Mr. Joshua H. Samuel, Adv.
 Mr. Sahil Tagotra, AOR
 Mr. Rajat Agnihotri, Adv.

 Ms. Vanshaja Shukla, AOR
 Mr. Parmanand Yadav, Adv.
 Ms. Anuja Pethia, Adv.

Ms. Sapna Chouhan, Adv.

Mr. Rahul Shyam Bhandari, AOR

Dr. Harish Uppal, Adv.

Mr. Tileshwar Prasad, Adv.

Ms. Prerna Mehta, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Narayan, AOR

Mr. Gopal Sankaranarayan, Sr. Adv.

Mr. M.L. Lahoty, Adv.

Mr. Mayank Grover, Adv.

Mr. Paban K. Sharma, Adv.

Mr. Anchit Sripath, Adv.

Mr. Himanshu Shekhar, AOR

Mr. Shubhranshu Padhi, AOR

Mr. Ashish Yadav, Adv.

Mr. Rakshit Jain, Adv.

Mr. Vishal Banshal, Adv.

Mr. Siddhartha Dave, Sr. Adv.

Mr. Sanjeev Kaushik, Adv.

Mr. Abhishek Thakral, Adv.

Ms. Ranjeeta Rohatgi, AOR

Ms. Divya Roy, AOR

Dr. Harsh Uppal, Adv.

Mr. Vikas Mehta, AOR

Mr. T. Prasad, Adv.

Mr. Kushal Sarkar, Adv.

Mr. Devendra Singh, AOR

Mr. Kamendra Mishra, AOR

Ms. Aswathi M.k., AOR

Mr. Piyush Vashista, Adv.

Mr. Gaurav, AOR

Mr. Pahlad Singh Sharma, AOR

Mrs. Rachana Joshi Issar, AOR

Ms. Prerana Chaturvedi, Adv.

Ms. Uttara Babbar, AOR

Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Mr. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi, Adv.
Ms. Aakanksha Nehra, Adv.
Mr. Dhananjaya Sud, Adv.
Ms. Nidhi Mohan Parashar, AOR

Mr. Pawanshree Agrawal, AOR
Ms. Abhipsa Anamika, Adv.

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

Mr. Gp. Capt. Karan Singh Bhati, AOR

Mr. P.S. Patwalia, Sr. Adv.
Mr. Pinaki Mishra, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Sehgal, Adv.
Mr. Saket Sikri, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Neeha Nagpal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ajay Singh Khullar, Adv.
Mr. Ravinder Singh, Adv.
Mr. Vishal Gosain, Adv.
Ms. Gauri Rishi, Adv.
Mr. Vishvendra Tomar, Adv.
Mr. Ashok Dubey, Adv.
Mr. E.C. Agrawala, AOR

Mr. Siddhartha Dave, Sr. Adv.
Mr. Sanjeev Kaushik, Adv.
Mr. E. C. Agrawala, AOR

Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, SG

Ms. Madhavi Divan, ASG
Mr. Chinmayee Chandra, Adv.
Ms. Shraddha Deshmukh, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Rahul Jajoo, Adv.
Mr. Raj Bahadur Yadav, Adv.

Mr. P. S. Sudheer, AOR

Mr. Rishi Maheshwari, Adv.
Mr. Bharat Sood, Adv.
Mr. Bharat Sood, Adv.
Ms. Anne Mathew, Adv.
Ms. Shruti Jose, Adv.

Mr. B. V. Balaram Das, AOR

Mr. E. C. Agrawala, AOR

Respondent-in-person

Mr. Ravindra Kumar, AOR

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

Mr. Ashok Mathur, AOR

Mr. Keshav Mohan, Adv.
Mr. Rishi K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatsa, Adv.
Mr. Santosh Kumar - I, AOR

Ms. Aswathi M.k., AOR

Mr. Anip Sachtey, Adv.
Mr. Rahul Kumar, Adv.
Mr. Navneet Sarin, Adv.
Mr. Ilesh Shukla, Adv.
Mr. Prince Wangchuk Lama, Adv.
Mr. Vishnu Singh, Adv.
Mr. Jay Kishor Singh, AOR

Mr. Inderprateek Naidu, Adv.
Mr. M. R. Shamshad, AOR

Ms. Harsh Lata, AOR

Mr. Nikunj Dayal, AOR

Mr. Anil Grover, AAG
Mr. Satish Kumar, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Abu Taher Ali Bepari, Adv.

Mr. Rajeev Singh, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Hiren P. Raval, Sr. Adv.

Mr. Dhawesh Pahuja, Adv.

Mr. Joseph Pookkatt, Adv.

Ms. Charu Mathur, AOR

Mr. P.R. Kovilan, Adv.

Mrs. Geetha Kovilan, AOR

Mr. Abhinav Shrivastava, AOR

Mrs. Babita Yadav, Adv.

Ms. Swarupama Chaturvedi, Adv.

Mr. Ashutosh Mohan, Adv.

Mr. Mukesh Kumar, Adv.

Ms. Aparna Trivedi, Adv.

Mr. Aman Jha, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Rashi Bansal, AOR

Mr. Rohit Sharma, Adv.

Mr. Rounak Nayak, Adv.

Mr. Atul Agarwal, Adv.

Mr. Kumar Dushyant Singh, AOR

Mr. Vivek Jain, 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. Anupam Lal Das, Sr. Adv.

Mr. C.U. Singh, Sr. Adv.

Ms. Sushmita Banerjee, Adv.

Mr. Sanjay Bhatt, Adv.

Mr. Rabin Majumder, AOR

Mr. Sukant Vikram, AOR

Mr. Gopal Jha, AOR

Mr. Manjeet Kumar Jha, Adv.

Mr. Ranjeet Kumar Jha, Adv.
Mr. Umesh Kumar Yadav, Adv.

Mr. Akshat Shrivastava, AOR

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

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

Mr. Gyan Prakash Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Rajat Sehgal, AOR
Mr. Mandaurya Kapoor, Adv.

Mr. Saurabh Upadhyay, Adv.
Ms. Hardikaa, Adv.
Mr. Atul Kumar, Adv.
Mr. Sanjay Kumar Tyagi, AOR

Mr. Narender Kumar Verma, AOR

Ms. Shobha Gupta, AOR

Mr. Ravindra Bana, AOR

Mr. Siddhartha Jha, AOR

Mr. Ashwani Kumar Dubey, AOR
Mr. Deepak Arora, Adv.
Mr. Chandra Shekhar Mishra, Adv.

Mr. Venkateswara Rao Anumolu, AOR

Ms. Garima Prashad, AOR

M/s. Cyril Amarchand Mangaldas

Mr. Gagan Gupta, AOR

Ms. Soumya Dutta, AOR

Mr. Neeraj Shekhar, AOR

Mr. Nikhil Swami, AOR

Mr. ANS Nadkarni, ASG
Ms. Praveena Gautam, Adv.
Mr. Shekhar Vyas, Adv.
Ms. Nitya Rao, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Suhasini Sen, Adv.
Mrs. Anil Katiyar, AOR

Mr. Vivek Gupta, AOR

Mr. Sumit R. Sharma, AOR

Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
Jyoti Kumar Mishra, Adv.
Ms. Sushmita Mishra, Adv.
Shri. Gaichangpou Gangmei, AOR

Kmnp Law Aor, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. C. K. Sasi, AOR

Mr. Jeetender Gupta, AOR

Mr. Sureshan P., AOR

Mr. Bhuwan Dhoopar, Adv.
Mr. Syed Jafar Alam, AOR

Mrs. B. Sunita Rao, AOR

Mr. Ashok Kr. Upadhyay, Adv.
Ms. Arzoo Raj, Adv.
Mr. Anant Vtsya, Adv.
Mr. Devendra Singh, AOR

Mr. Abhay Kumar, AOR
Mr. Vineet Kumar Singh, Adv.
Mr. Kumar Milind, Adv.
Mr. Kumar Kashyap, Adv.

Mr. M. P. Devanath, AOR

Ms. Madhurima Tatia, AOR

Mr. R.M. Tatia, Adv.

Mr. Preshit Vilas Surshe, AOR

Mr. Amit Pawan, AOR

Mr. Yadav Narendra Singh, AOR

Mr. Vikas Mehta, AOR

Mr. Ashwani Garg, Adv.

Mr. Ajay Srivastava, Adv.

Mr. Vijay Kumar, AOR

Mr. Amit Sibal, Sr. Adv.

Mr. Atul Sharma, Adv.

Arveena Sharma, Adv.

Mr. Abhishek Agarwal, AOR

Mr. Brijendra Singh, Adv.

Mr. Anoop Kr. Srivastav, AOR

Mr. Roopansh Purohit, AOR

Mr. Somanatha Padhan, AOR

Mr. S. R. Setia, AOR

Mr. Shashank Manish, AOR

Ms. Smriti Shah, Adv.

Ms. Twinkle Kataria, Adv.

Mr. T. N. Singh, AOR

Ms. Manjula Gupta, AOR

M/S. Av Global Chambers, AOR

Mr. Aniruddha P. Mayee, AOR

Ms. Kumud Lata Das, AOR

Ms. Liz Mathew, AOR

Mr. Sonal Jain, AOR

Mr. Bijoy Kumar Jain, AOR

Mr. Mohit D. Ram, AOR

Mr. Deepak Goel, AOR
Mr. Gaurav Goel, AOR
Mr. Arjun Harkauli, AOR
Mr. Anirudh Sharma, AOR
Mr. Harshad V. Hameed, AOR
Mr. Praveen Agrawal, AOR
Mr. Prithvi Pal, AOR
Ms. Charu Ambwani, AOR
Mr. Amit Kumar, AOR
Mr. Santosh Krishnan, AOR
Mr. Vivek Narayan Sharma, AOR
Mr. Umang Shankar, AOR
Mr. Vineet Bhagat, AOR
Mr. Jatin Zaveri, AOR
Mr. Karan Bharihoke, AOR
Mr. P. N. Puri, AOR
Mr. R. C. Kaushik, AOR
Mr. S.. Udaya Kumar Sagar, AOR
Ms. Swati Bhardwaj, Adv.
Mr. Roshan Santhalia, AOR
Mr. Abhishth Kumar, AOR
Ms. Sujata Kurdukar, AOR
Mr. K.S. Namdar, Sr. Adv.
Mr. Hitesh Kumar sharma, Adv.
Mr. S.K. Rajora, Adv.
Ms. Sandhya Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Ranjit Kumar Sharma, AOR

Ms. Preeti Singh, AOR
Mr. Sumit Kumar, AOR
Mr. Deepak Anand, AOR
Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, AOR
Mr. I.C. Jain, Adv.
Mr. Abhishek Jain, Adv.
Mr. Ravi Shankar Garg, Adv.
Mr. Brijesh Yadav, Adv.
Mr. Divyesh Pratap Singh, AOR
Ms. Bharti Tyagi, AOR
Mr. Gp. Capt. Karan Singh Bhati, AOR
Mr. Rakesh Mishra, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Aakarsh Kamra, AOR
Mr. Somesh Chandra Jha, AOR
Mr. Rajesh Kumar Chaurasia, AOR
Mrs. Kirti Renu Mishra, AOR
Mr. M.L. Lahoty, Adv.
Mr. Sharath Sampath, Adv.
Ms. Manikya Khanna, Adv.
Mr. Tarun Mehta, Adv.
Ms. Pratyakashs Sharma, Adv.
Ms. Nidhi Mohan Parashar, AOR
Mr. Rajeev Kumar Yadav, Adv.
Mr. Chandan Kumar, AOR
Mr. Vikram Singh, AOR
Mr. Birendra Kumar Mishra, AOR
Mr. Rahul Kaushik, AOR
Mr. Avinash Sharma, AOR
Ms. Hima Lawrence, AOR

Mr. Siddharth Batra, AOR
Mr. Ravinder Kumar, Adv.
Ms. Sugandha Sharma, Adv.

Mr. Rajesh Goyal, AOR

Mr. K. K. Mohan, AOR

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

Mrs. Gargi Khanna, AOR

Mr. Anand Sukumaran, Adv.
Mr. S. Sukumaran, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, AOR

Ms. Rakhi Ray, AOR

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

Mr. Abhinav Mukerji, AOR
Ms. Malavika Yadadv, Adv.

M/S. Karanjawala & Co., AOR

Mr. Vipin Kumar Jai, AOR

Mr. Rajesh Kumar, AOR

Applicant-in-person, AOR

Mr. S. K. Verma, AOR

Mr. Aditya Singh, AOR

Mr. Manish Shanker Srivastava, Adv.
Mr. Vivek Srivastava, Adv.
Mr. Yasharth Kant, Adv.
Mr. Abhishek Kumar Singh, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. Sanjay Jain, AOR

Mr. Udayaditya Banerjee, AOR

Mr. M. P. Vinod, AOR

Mr. S. Rajappa, AOR

Ms. Shruti Agarwal, Adv.
Mr. Saurabh Chaudhary, Adv.
Mr. T. Mahipal, AOR

Mr. Tarun Gupta, AOR
Mr. Abhishek Sharma, Adv.
Mr. Manoj Sharma, Adv.
Mr. Shiv K. Goyal, Adv.
Mr. Arvind Kumar, Adv.
Mr. Neeraj Kumar, Adv.
Mr. Atul Kumar, Adv.

Mr. Ajay K. Jain, Adv.
Mr. Akshat Kumar, AOR
Mr. Atanu Mukherjee, Adv.
Mr. Yash Karan Jain, Adv.
Mr. D.K. Rustagi, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. D. Abhinav Rao, AOR

Mr. P. K. Jain, AOR

Mr. Kaushik Poddar, AOR

Ms. Divya Roy, AOR
Mr. Nakul Jain, Adv.

Mr. Siddharth, AOR

Ms. Nina Gupta, Adv.
Dr. Lalit Bhasin, Adv.
Ms. Palak Chadha, Adv.
Ms. Ruchika Joshi, Adv.
Mr. P. V. Yogeswaran, AOR

Mr. Shantanu Sagar, AOR

Ms. Filza Moonis, AOR

Mr. Chandra Bhushan Prasad, AOR

Mr. A. Karthik, AOR

Mr. Pawanshree Agrawal, AOR
Mr. Pahlad Singh Sharma, AOR
Mr. Balaji Srinivasan, AOR
Mr. Himanshu Shekhar, AOR
Ms. Mridula Ray Bharadwaj, AOR
Mr. Manish Shankar Srivastava, Adv.
Ms. Kalpana, Adv.
Mr. Tushar Verma, Adv.
Mohd. Tauseef, Adv.
Dr. Vinod Kumar Tewari, AOR
Mr. Awanish Kumar, AOR
Ms. Shamsravish Rein, Adv.
Ms. Maheravish Rein, Adv.
Mr. Aldanish Rein, AOR
Mr. Kaustubh Anshuraj, AOR
Mr. Krishna Kumar Singh, AOR
Mr. Ashwarya Sinha, AOR
Mr. Dharmendra Kumar Sinha, AOR
Mr. Partha Sil, AOR
Ms. Vibha Mahajan, Adv.
Ms. Upasana Nath, AOR
Ms. Rashmi Nandakumar, AOR
Ms. Ayushma Awasthi, Adv.
Mr. Shankar Narayanan, Adv.
Mr. Shantanu Krishna, AOR
Mrs. Tara V. Ganju, Adv.
Mr. Hitaish Chauhan, Adv.
Ms. Jyoti Mendiratta, AOR
Mr. Aman Hingorani, Adv.
Mr. Himanshu Yadav, Adv.
M/S. Hingorani & Associates
Mr. Kaushik Choudhury, AOR

M/S. Dua Associates

Mr. Ayush Sharma, AOR

Mr. Vaibhav Kumar, AOR

Mr. Aneesh Mittal, AOR

Ms. Shreya Sharma, Adv.

Ms. Nikita Singh, Adv.

Ms. Gauri Rishi, Adv.

Ms. Srishti Juneja, Adv.

Mr. Anupam Lal Das, Sr. Adv.

Ms. Pallavi Langar, Adv.

Ms. Dipika Jain, Adv.

Mr. Parag P. Tripathi, Sr. Adv.

Mr. Kartik Yadav, Adv.

Mr. Parinay T. Vasandari, Adv.

for DSK Legal

Mr. Nirav Thakkar, Adv.

Mr. Lalit Mohan, Adv.

Ms. Misha Rohatgi Mohta, Adv.

Mr. Ashok Kumar Mohapatra, Adv.

Mr. M.M. Kashyap, Adv.

Mr. Nikhil Nayyar Sr. Adv.

Mr. Mohit Arora, Adv.

Mr. Divya Jyoti Singh, Adv.

Mr. Huzefa A Ahmadi, Sr. Adv.

Mr. D.M. Rajesh, Adv.

Mr. Aman Raj Gandhi, Adv.

Mr. Abhishek Sharma, Adv.

Mr. Prashant Daya, Adv.

Mr. Gopal Jain, Sr. Adv.

Mr. Saurabh Ajay Gupta, Adv.

Ms. Srishti Prabhakar, Adv.

Mr. B. Ragunata, Adv.

Mr. Sriram P., Adv.

Mr. Rituraj Biswas, Adv.

Mr. Rituraj Choudhary, Adv.

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

Mr. P.S. Patwalia and Mr. Pinaki Mishra, learned senior counsel submitted before this Court that they have been authorized to appear on behalf of the newly constituted Board of Directors of Unitech Limited. The Board of Directors has been constituted by the Union Government as already noted in the previous order of this Court. Subsequently, on further reflection, both Mr. P.S. Patwalia and Mr. Pinaki Mishra, learned senior counsel have requested the Court that they may be permitted to desist from appearing for the newly constituted Board. Having regard to the wider issues of public interest involved and since the Board has been constituted pursuant to the intervention of the Union Government in the public interest more specifically of the home buyers, we have requested Mr. Tushar Mehta, learned Solicitor General to assist the Court on behalf of the newly constituted Board of Directors.

The learned Attorney General for India has been assisting the Court on behalf of the Union of India. Ms. Madhavi Divan, learned Additional Solicitor General has submitted before the Court that the learned Attorney General is engaged elsewhere today and she would be assisting him.

We clarify that all the decisions which are to be taken in respect of the management of the business and projects of Unitech Limited shall be taken collectively by the Board of Directors in meetings convened for that purpose. In other words, decisions will not be taken by any individual member of the Board of Directors, without the approval of the Board, in a meeting convened for that purpose. This will also apply to the Chairman and Managing Director who is directed to convene a meeting of the Board of Directors expeditiously, if he has not already done so. The Union of India shall formerly notify the constitution of the Board of Directors as approved in the previous order of this Court within one week, if not already done.

A status report dated 10 February 2020 has been submitted by the Amicus Curiae. Having considered the report, we issue the following directions:

(i) Refund of FD Holders: On 12 December 2019, this Court allowed the refunds to FD holders who are senior citizens aged 60 years and above to be proceeded with. Ten per cent of the amount deposited with the Registry at that time (Rs 17.4 crores) was allocated for that purpose. Having regard to the number of FD holders who have registered themselves on the web portal, we accede to the request made in the status report and direct that a further sum of Rs 30

crores be allocated for distribution among the FD holders. This would represent ten per cent of Rs 300 crores which has been deposited in the meantime. The additional amount of Rs 30 crores shall also be disbursed to FD holders of the age group of 60 years and above in terms of the earlier directions of this Court.

(ii) Ex-employees: The Amicus Curiae has apprised the Court of the fact that the entire amount towards (i) salary; (ii) gratuity; (iii) pension; and (iv) superannuation payments, is being disbursed on a *pro rata* basis. Provident Fund payments are being refunded in entirety.

(iii) IL&FS (Cr1 M P Nos 106596 and 106597 of 2019): The status report of the Amicus Curiae indicates that all the properties which were mortgaged to IL&FS are part of the project Uniworld City in Sectors 97, 106 and 107 of Greater Mohali, Punjab. Learned counsel appearing on behalf of IL&FS has submitted that there is no allottee as such of the above lands.

At this stage, since the newly constituted Board of Directors is preparing a resolution plan, we are only inclined to observe that IL&FS will continue to exercise the lien as a mortgagee, but this shall be subject to the final orders that may be passed by this Court after considering the resolution plan to be submitted by the Board of Directors.

(iv) Bangalore Land Sale: The Bangalore land sale has been dealt with in the previous order of this Court where a notice was issued to M/s Devas Global LLP to deposit the balance amount of Rs 52 crores representing the share of Unitech Limited, together with interest at the rate of twelve per cent per annum within four weeks. In the meantime, M/s Devas Global LLP was restrained from creating third party rights on the lands already registered from Unitech Limited and two acres of access land from Mr. Naresh Kumar Kempanna.

Mr Sajan Poovayya, learned senior counsel appears on behalf of the M/s Devas Global LLP while Mr Huzefa A Ahmadi, learned senior counsel is appearing on behalf of Mr Naresh Kumar Kempanna.

Justice Dhingra Committee has submitted a status report indicating the following position:

"26 acres of unencumbered land was held by Unitech Limited in Bangalore and the same was directed to be monetized under the purview of this Committee.

A MOU dated 02.01.2018 was signed between M/s Devas Global LLP and Col. Kheira (Mr. Naresh and Unitech being the confirming parties) for sale of the said 26 acres. The same MOU was placed before the Hon'ble Supreme Court and approved on 05.07.2018.

As per the MOU, M/s Devas Global LLP has to pay Rs 7.80 crores per acre in totality wherein Unitech's

share was Rs 4.00 crores per acre.

Upon conversion of 12 acres land from agricultural to residential, M/s Devas executed conveyance deed on 25.07.2018 and paid the equivalent amount of INR 48 crore as per the MOU to the Registry of the Hon'ble Supreme Court.

As on date out of the balance 14 acres, 10.5 acres have already been converted and is ready for registration.

After a joint meeting between Unitech, Devas, Col. Kheira, Naresh and the undersigned held at Bangalore on 04.10.2019, Devas made an offer to pay Rs. 4 crore per acre (which was the amount due to Unitech) against agreed price of Rs. 7.80 crore per acre.

The 12 acres of land already purchased by M/s. Devas's, the balance land parcel will not be of any interest to anyone. Under these circumstances, the Committee had no choice but to direct M/s. Devas Global LLP, the purchaser of the front portion along with access land, to deposit INR 52 crores with the Registry of the Hon'ble Supreme Court as their share of purchase under the MOU.

If Devas fails to deposit the payment within the stipulated time then the Committee be permitted to re-auction remaining part of 26 acres and Devas be directed to give right of way to the new purchaser."

The status report of Justice Dhingra Committee indicates that upon conversion of 12 acres of land from agricultural to residential, M/s Devas Global LLP executed a deed of conveyance on 25 July 2018 and paid the equivalent

amount of Rs 48 crores in accordance with its MOU as a part of the share of Unitech Limited.

As on date, out of the balance of 14 acres, 10.5 acres of land has been converted with change of land use and land conversion having been approved. We accordingly order and direct that the registration formalities for transfer of 10.5 acres of land shall be completed within a period of four weeks from today. M/s Devas Global LLP undertakes to hand over a demand draft representing the share of Unitech Limited for the area ad-measuring 10.5 acres to the Justice Dhingra Committee. The demand draft shall be drawn in the name of the Registrar, Supreme Court of India and upon receipt, Justice Dhingra Committee shall transmit it over to the Amicus Curiae for being deposited in the Registry of this Court. M/s Devas Global LLP has also undertaken that together with the payment of the share of Unitech Limited, it shall make due payment of the respective shares to the other parties in terms of the MOU.

Insofar as the balance of the land is concerned, Mr Huzefa A Ahmadi, learned senior counsel has, on instructions, stated that necessary permissions that have already been applied for and that Mr Naresh Kumar Kempanna undertakes to follow up with the Government of Karnataka so that the permissions are issued expeditiously. The Government of

Karnataka shall process the application which has been submitted by Mr Naresh Kumar Kempanna for the grant of approvals expeditiously.

Mr. Sajan Poovayya, learned senior counsel has submitted that M/s Devas Global LLP undertakes to deposit the respective shares in respect of the balance amounts in terms of the MOU within a period of four weeks of all necessary permissions being intimated by Mr Naresh Kumar Kempanna to M/s Devas Global LLP. The payment would be made at the time of registration of the deed of conveyance. The payment including the share of Unitech Limited shall be effected in the same manner as previously within a period of six weeks.

The status report submitted by Justice Dhingra Committee has indicated the position in respect of (i) projects completed in Phase I; and (ii) projects which are being undertaken in Phase II. In respect of Phase II projects which are under construction, the progress of the work has been indicated in a tabular chart. The Committee has requested the Court to release an amount of Rs.6.75 crores which is towards bills payable for the work done to the vendors. In the absence of payment, it has been stated that the balance work has come to a standstill, though many towers are on the verge of completion.

The Amicus Curiae has submitted that a three stage

verification is carried out by the Committee of the bills of vendors: verification is done by Architect which is followed by an actual verification, both by the Architect and the Committee at site. In this backdrop, we deem it appropriate and proper to grant permission to the Registry of this Court for release of an amount of Rs 6.75 crores to Justice Dhingra Committee in terms of its prayer for meeting the outstanding payments of the concerned vendors in respect of the construction which is being carried out in Phase II projects.

We also request Justice Dhingra Committee to consider completion of those projects in the tabular chart where the work is completed to the extent of ninety per cent and above on priority so that possession can be handed over to the allottees expeditiously. The Committee has also suggested that some allottees have approached it for handing over possession on 'as is and where is basis' so that the allottees may get the balance work completed on their own subject to adjustment of costs against the dues. Permission to do so is granted to the Committee.

The Amicus Curiae is requested to upload the status reports as well as the reports which are being submitted by Justice Dhingra Committee on the web portal for information of all the concerned home buyers and the other stake holders.

During the course of hearing, a number of

suggestions have come from the home buyers including from those who have invested in projects which have been completely stalled and where the home buyers are senior citizens. A suggestion has come before the Court to the effect as in the case of FD holders where a priority was carved out by the Court for senior citizens, a similar dispensation may be implemented in the case of home buyers of stalled projects or senior citizens as the case may be.

Mr. Pawanshree Agarwal, learned Amicus Curiae has stated that he has been engaging with the new Board of Directors so as to apprise them in the entirety about the status of the projects and the present litigation. We permit the Amicus Curiae to fully apprise the Board of Directors on all aspects so that the Board can form a holistic prospective approach in preparing the resolution plan.

List the matter after four weeks.

The Delhi Development Authority is granted two weeks' time to submit its affidavit in the meantime.

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

(Saroj Kumari Gaur)
Court Master