

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). 10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(IA NO.138022/2018 - 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.66018/2018 - INTERVENTION APPLICATION  
IA NO.138019/2018 - INTERVENTION APPLICATION  
IA NO.49108/2018 - INTERVENTION APPLICATION  
IA NO.129613/2018 - INTERVENTION APPLICATION  
IA NO.117001/2018 - INTERVENTION APPLICATION  
IA NO.86677/2018 - INTERVENTION APPLICATION  
IA NO.145062/2018 - INTERVENTION/IMPLEADMENT  
IA NO.69781/2018 - INTERVENTION/IMPLEADMENT  
IA NO.49501/2018 - INTERVENTION/IMPLEADMENT  
IA NO.136620/2018 - INTERVENTION/IMPLEADMENT  
IA NO.23393/2018 - INTERVENTION/IMPLEADMENT  
IA NO.2/2016 - PERMISSION TO FILE ANNEXURES

WITH

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

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)

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

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 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**

**IA NO.94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)**

**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 REFILEING  
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 REFILEING)**

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)

Date : 30-11-2018 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:

Mr. Pawanshree Agrawal, AOR (Amicus Curiae)  
Mr. Varun K. Chopra, Asstt. A.C.  
Mr. Abhipsa Anamika, Adv.

Ms. Priyanjali Singh, AOR  
Mr. Rahul Rathore, Adv.  
Mr. Karunsh Kumar Shukla, Adv.  
Petitioner-in-person  
Mr. Deepak Goel, AOR

Dr. A.M. Singhvi, Sr. Adv.  
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. Vishal Gosain, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. Anuroop Chakravarti, Adv.  
Ms. Nattasha Garg, Adv.  
Ms. Tarannum Cheema, Adv.  
Mr. E. C. Agrawala, AOR

Ms. Divya Roy, AOR  
Mrs. Rachana Joshi Issar, AOR  
Mr. Rahul Shyam Bhandari, AOR

Mr. Awanish Kumar, AOR  
Mr. Ruchit D., Adv.

Ms. Pinky Anand, ASG

Mr. A.N.S. Nadkarni, ASG  
Ms. Praveena Gautam, Adv.  
Mr. Rupesh Kumar, Adv.  
Mr. Rajiv Nanda, Adv.  
Mr. T.A. Khan, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. B. V. Balaram Das, AOR

Mr. Kaushik Choudhury, AOR  
Mr. Rahul Kaushik, AOR

Ms. Reema Khurana, Adv.  
Mr. Chandra Bhushan Prasad,  
Mohd. Ainul Ansari, Adv.

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

Mr. Shish Pal Laler, Adv.  
Mr. Sonit Sinhmar, Adv.  
Mr Sanjay Maurya, Adv.  
Ms. Surbhi Lata, Adv.

Mr. Ajay Jain, Adv.  
Mr. Jinendra Jain, Adv.  
Mr. Chiraj Aneja, Adv.  
Mr. Pranay Jain, Adv.  
Mr. Brijesh Yadav, Adv.

Ms. Meenakshi Arora, Sr. Adv.  
Mr. Shashi Bhushan P. Adgaontri, Adv.  
Ms. Misha Rohatgi Motha, Adv.  
Mr. Rana Sandeep Busa, Adv.

Ms. Rachna Joshi Issar, Adv.  
Ms. Vandana Mishra, Adv.  
Ms. K. Vaijyanthi, Adv.  
Mr. Shailabh Pandey, Adv.

Ms. Abhilasha Singh, Adv.  
Mr. M.R. Shamshed, Adv.

Ms. Preeti Singh, Adv.  
Mr. Sunkalan Porwal, Adv.  
Ms. Manorma Masih, 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.

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

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

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

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

Mr. Om Prakash Ajit Singh Parihar, AOR  
Mr. Abhijeet Singh, Adv.  
Ms. Pragya Palawat, Adv.

Mr. Prashant Kumar, Adv.  
Mr. Joseph Pookkatt, Adv.  
Mr. Dhawesh Pahuja, Adv.  
Mr. Navode Singh Raj Purohit, Adv.  
Mr. Dhiresw Dwivedi, Adv.  
Ms. Charu Ambwani, AOR.

Mr. Abhinav Mukeni, Adv.  
Ms. Bihu Sharma, Adv.  
Mr. Siddharth Garg, Adv.  
Ms. Purnima Krishna, Adv.

Mr. Romanatha Pradhan, AOR  
Mr. Aabhas Parimal, AOR

Mr. Nikhil Swami, Adv.  
Mrs. Divya Swami, Adv.  
Mr. Sunil Gupta, Sr. Adv.  
Mr. Jatin Zaveri, AOR  
Mr. Neel Kamal Mishra, Adv.

Mr. Rajat Sehgal, AOR  
Ms. V. Anand, Adv.  
Mr. Anurag Rawal, Adv.

Mr. Gopal Jha, AOR  
Mr. G.R. Pandey, Adv.  
Mr. Chandan Kr. Mandal, Adv.

Ms. Rohini Wagh, Adv.  
Ms. Reema Khurana, Adv.  
Mr. Chandra Bhushan Prasad, AOR

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

Ms. Rashi Bansal, AOR  
Mr. Sunil Mittal, Adv.  
Mr. Anshul Mittal, Adv.  
Mr. Sushant Bali, Adv

Mr. Gopal Sankar Narayan, Adv.  
Mr. Ashok Kumar Jain, Adv.  
Mr. Pankaj Jain, Adv.  
Mr. Amit K., Adv.  
Ms. Priyanka Das, Adv.  
Mr. Bijoy Kr. Jain, AOR

Mr. Apurv, Adv.  
Ms. Liz Matthew, AOR

Mr. Gyanendra Kumar, Adv.  
Ms. Jyoti Dastidar, Adv.  
Ms. Shreya Seth, Adv.  
For M/s. Cyril Amarchand Mangaldas, AOR

Ms. Shilpa Chohan, Adv.  
Mr. Shawahiq Siddiqui, Adv.  
Mr. Rajesh Singh, Adv.

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

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

Mr. Shubhranshu Padhi, AOR  
Mr. G. Dhillon, Adv.  
Mr. P. Kavın Peabhu, Adv.

Ms. Shobha Gupta, AOR

Mr. Sourav Roy, Adv.  
Ms. Devahuti Tamuli, Adv.  
Mr. Pritesh Kumar, Adv.

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

Mr. Brijendra Singh, Adv.  
Mr. Anoop Kumar, Adv.

Mr. Vandit Mishra, Adv.  
Ms. Anuradha Mishra, Adv.  
Ms. Jahnvi Sharma, Adv.  
For M/s. Anuradha & Associates, AOR

Dr. Harish Uppal, Adv.  
Mr. Jileshwar, Adv.  
Mr. Vikas Mehta, AOR  
Mr. Mithun S., Adv.

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

Mr. Vipin Kr. Jai, Adv.  
Mr. Yashvardhan, Adv.  
Mr. Puneet Kumar, Adv.

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

Mr. B. Ragunath, Adv.  
Mr. Sri Ram, AOR  
Mr. K. Balaji, Adv.

Mr. Harin P. Rawal, Sr. Adv.  
Mr. Joseph Pookkatt, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Dhawesh Pahuja, Adv.  
Mr. Dheeresh Dwivedi, Adv.  
Mr. Navodaya Singh Rajpurohit, Adv.  
Mr. Ashwani Garg, Adv.  
Mr. Vijay Kumar, AOR

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

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Sukant Vikram, AOR  
Mr. Abhinav Ankit, Adv.

Ms. Priya Kashyap, Adv.  
Mr. G.D. Ahmed, Adv.  
Ms. Vandana S., Adv.  
Md. Mohsin, Adv.  
Mr. Rajesh Goyal, Adv.  
S. Jain, Adv.

Mr. Varun Chopra, Adv.  
Mr. Gurlej, Adv.  
Mr. Dharmendra Kr. Gupta, Adv.  
For M/s. Aswathi M.K., AOR

Mr. Ajay Kumar Talesara, AOR  
Mr. A.P. Sinha, Adv.

Mr. Gaurav Bhatia, AOR  
Mr. Utkarsh Jaiswal, Adv.  
Mr. Himanshu Shekhar Tripathi, Adv.

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

Mr. Ishhan Sanghi, Adv.  
Mr. Anil Kr. Tandale, AOR

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

Mr. Tara V. Ganju, Adv.  
Mr. Ayush Samaddar, Adv.

Mr. Abhishek Chaudhary, AOR  
Ms. Sarwana Nanda Dubey, Adv.  
Mr. Amit Singh, Adv.  
Mr. Vikas Chaudhary, Adv.  
Ms. Sujata Upadhyay, Adv.  
Ms. Maithili Shubhangi, Adv.

Mr. Khowaja Siddiqui, Adv.  
Mr. Ashwini Kumar, Adv.  
Mr. Raghav Kakar, Adv.  
Mr. Arup Sinha, Adv.  
Mr. Praveen Aggarwal, AOR

Ms. Kirti Renu Mishra, AOR  
Ms. Apurva Upmanyu, Adv.



Mr. Vivek Gupta, AOR  
Mr. Pranav Kaashyap, Adv.  
Mr. Mrinmay Bhattmoward, Adv.

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

The report submitted by the Justice (Retired) S.N. Dhingra Committee has been filed by the Learned Amicus Curiae. The report indicates the steps which have been taken for conducting auction of the lands situated at Agra, admeasuring 76.37 acres and at Varanasi, admeasuring 112.56 acres. The Committee has stated that no bid was received for either of the aforesaid properties. The Committee, is however, intends to revise the conditions of auction and to publicise its proposals in the market about the proposed sale of the lands at Agra and Varanasi. We permit the Committee to do so and request it to take all necessary steps to ensure the disposal of the lands at Agra and Varanasi.

The Committee had initiated the process of e-auction of the land at Sriperumbudur through 'HDFC Realty' as the auctioneer. The land available for sale admeasures about 355 acres, as the Committee is at present advised. After the publication of an advertisement on 19 November 2018, the Committee noted that a buyer had come forward for negotiations for the sale of the entire land. The Committee has observed that it is advantageous if one buyer enters into an agreement for the entire tract of land. The buyer in question was called for negotiations and after initial negotiations, an offer of Rs.78 lakhs (Rupees Seventy Eight Lakhs) per acre to purchase

the land was enhanced to Rs.81 per acre. This is obviously subject to further enhancement on negotiations. In order to establish its bona fides, the buyer has submitted a bank guarantee of Rs.5 crores (Rupees five crores) with the Committee in the name of the Registrar, Supreme Court of India and proposes to pay an initial amount of Rs.50 crores (including the above amount of Rs.5 crores) while executing an MOU. The balance is proposed to be deposited within a period of fifteen to eighteen months. The period for payment is likely to be shortened in negotiations with the Committee. The Committee has furnished reasons in its report on the basis of which it has proposed that this Court may permit it to proceed ahead with the negotiations and in which event, the e-auction can be placed on hold.

Having due regard to the reasons which have been contained in the report of the Committee, it is appropriate that the Committee is permitted to proceed ahead with negotiating the terms of the MOU with the proposed buyer. The learned counsel appearing on behalf of the home buyers have also supported the view of the Committee that the land at Sriperumbudur should be sold at the earliest and that the Committee may be authorised to proceed with its negotiations. We permit the Committee to do so. Before it proceeds to finalise the negotiations, the Committee will submit its report elaborating the proposed terms of sale before this Court.

Apart from the properties at Agra, Varanasi and Sriperumbudur, Unitech had filed a list of other unencumbered

properties. The other unencumbered properties are: (i) land situated at Virar (Mumbai); (ii) land situated at Gurgaon admeasuring 5.14 acres; (iii) 60 per cent holding in Unitech Hotels Pvt. Ltd.; (iv) 50 per cent holding in Adventure Island Ltd. (Rohini Amusement Park, Delhi); and (v) 41.95 per cent stake holding in Entertainment City Ltd. (Noida Amusement Park); and (vi) Unsold inventory of unfinished/units in completed projects.

In addition to the above, there are other unencumbered lands available for sale, details of which are provided in the report submitted by the learned amicus curiae on 22.11.2018. They are as follows :

State	Land Details	Area (acres)
Kerala	Village Kizhakkambalam, Taluk Kunnathunadu, Ernakulam District	38.26
Kerala	Village and Taluk Kunnathunadu, Ernakulam District	26.95
Kerala	Village Kakkanad, Taluk Kanayannur, Ernakulam District	14.61
Andhra Pradesh	Village Mankhal, Maheshwaram Mandal, Ranga Reddy District	24.50
Tamil Nadu	Village Kolathur, Chingleput Taluk, Kacheepuram District	24.34
Maharashtra	Village Kelus, Mayane Khawne, District Sindhu Durg	106.00

We request the Committee to proceed ahead with the sale of the above unencumbered properties as well.

The Committee has in its report furnished details of

the status pertaining to five construction projects. The Committee has thus far released an amount of Rs.2.14 crores on the basis of bills submitted by Unitech for completing construction. The Committee has indicated that 80 flats out of 147 have been completed at Unihomes, Mohali and the architect is to carry out inspection within a period of one week. By end January 2019, 147 flats are to be completed so that possession can be handed over to the purchasers.

Work of Vistas, Gurgaon and Unihomes 117 Noida is in progress. Though the work on the remaining two projects has not commenced as yet, it is likely to commence at an early date. The Committee has observed that in the case of some of the stalled projects, a huge amount is required for completion and the time period for construction would be substantial. Hence it has been proposed that at present, projects where 70 to 90 percent of the work has been carried out, may be taken up on priority for completion. We consider that this suggestion of the Committee is fair. The Committee will identify such of the projects where atleast 70 per cent of the work has been completed so that these projects can be taken up for early completion on the same footing, as the earlier five projects. The Committee will accordingly proceed to make an assessment of the amount required for the completion of the remaining work and complete the other logistical formalities so as to facilitate further directions being passed for disbursal. The Committee may carry out this exercise at the earliest preferably within two months from today.

Shri Gopal Sankaranarayan learned counsel has submitted for the home-buyers that there is a need to have a forensic audit to be conducted of the developer. Shri M.L. Lahoty and Shri Anand Grover, learned senior counsel have supported the plea. We propose to take up further consideration of this aspect on the next date of hearing.

The learned Amicus Curiae is permitted to deposit the draft of Rs.5 crores which has been drawn in favour of the Registrar, Supreme Court of India before the Registry.

We order accordingly.

List on Monday, 3 December 2018.

(GEETA AHUJA)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER