

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(IA No. 163948/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 198813/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 35064/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 77795/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 9000/2025 - 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. 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. 784/2025 - 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. 116163/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 241599/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 39936/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 77813/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 164059/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 268511/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 54013/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 34018/2025 - CLARIFICATION/DIRECTION, IA No. 172559/2025 - CLARIFICATION/DIRECTION, IA No. 15231/2025 - 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. 237540/2023 - INTERVENTION APPLICATION, IA No. 77794/2022 - INTERVENTION APPLICATION, IA No. 34140/2025 - INTERVENTION APPLICATION, IA No. 84255/2020 - INTERVENTION APPLICATION, IA No. 126367/2022 - INTERVENTION APPLICATION, IA No. 73989/2024 - INTERVENTION APPLICATION, IA No. 103038/2022 - INTERVENTION APPLICATION, IA No. 168870/2023 - INTERVENTION APPLICATION, IA No. 1257/2024 - INTERVENTION APPLICATION, IA No. 9001/2025 - INTERVENTION/IMPLEADMENT, IA No. 29915/2021 - INTERVENTION/IMPLEADMENT, IA No. 93141/2023 - INTERVENTION/IMPLEADMENT, IA No. 171096/2024 - INTERVENTION/IMPLEADMENT, IA No. 35061/2025 - INTERVENTION/IMPLEADMENT, IA No. 8716/2025 - INTERVENTION/IMPLEADMENT, IA No. 184692/2025 - INTERVENTION/IMPLEADMENT, IA No. 171194/2025 - INTERVENTION/IMPLEADMENT, IA No. 116430/2021 - INTERVENTION/IMPLEADMENT, IA No. 156817/2025 - INTERVENTION/IMPLEADMENT, IA No. 54018/2025 - INTERVENTION/

IMPLEADMENT, IA No. 198814/2024 - 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 and IA No. 271490/2024 - RECOVERY OF THE AMOUNT)

WITH

C.A. No. 2511-2526/2017 (XVII-A)
(FOR ON IA 1/2017, 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 and IA No. 39720/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(Cr1) No. 5978-5979/2017 (II-D)
(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 and IA No. 26890/2020 - INTERVENTION APPLICATION)

C.A. No.17008-17011/2017 (XVII-A)
(IA No. 59997/2020 - CLARIFICATION/DIRECTION, IA No. 175609/2019 - CLARIFICATION/DIRECTION and IA No. 6057/2023 - MODIFICATION OF COURT ORDER)

SLP(C) No.12667/2018 (XVII-A)
(IA No. 112969/2025 - WITHDRAWAL OF CASE/APPLICATION)

WITH

ITEM NO. 18

Civil Appeal No(s). 2496-2497/2020
(IA No. 49393/2024 - APPLICATION FOR TAGGING/DETAGGING, IA No. 103106/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 48752/2020 - CLARIFICATION/DIRECTION, IA No. 257276/2024 - DELETING THE NAME OF PETITIONER/RESPONDENT, IA No. 38349/2020 - EXEMPTION FROM FILING

C/C OF THE IMPUGNED JUDGMENT, IA No. 222764/2023 - PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 210567/2023 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-09-2025 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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UPON hearing the counsel the Court made the following

O R D E R

1. NOIDA was directed on 21.05.2025 to accord permission and

approval of lay out plans, building plans and accord other ancillary approvals for three Unitech projects without prejudice to NOIDA's right to the determination, quantification and payment of outstanding dues.

2. Mr. Ravindra Kumar, learned senior counsel for NOIDA states that in compliance to the above-stated order, necessary sanctions have been issued on 12.09.2025 and that a detailed affidavit of compliance along with sanction orders has been filed but the same is not on record.

3. The Registry is directed to tag the same with the paperbook.

4. NOIDA shall be heard with respect to its objections on 28.10.2025. The Governemnt-appointed Board of Unitech may file its reply within two weeks with advance copy to the learned senior counsel for NOIDA.

5. We are further informed that in deference to the directions contained in paragraph Nos. 2 and 3 of our order dated 21.05.2025 pertaining to IA No.784/2025, encroachment by RDC Concrete Private Limited has been removed by New Kolkata Development Authority.

IA Nos.34018-340140/2025

6. These applications are moved by New Town Kolkata Development Authority seeking clarification of the order dated 04.12.2024. In this regard, it is clarified that the order dated 04.12.2024 shall also apply to the project in State of West Bengal known as "Uniworld City".

7. Consequently, the prescribed authorities, including the Divisional Forest Officer, SEIAA, State Pollution Control Board

etc. may, subject to removal of deficiencies by the Unitech Ltd., consider grant of approvals, environmental clearance, consent to operate, fire and airport NOC etc. within a period of two weeks from the date of removal of objections.

IA Nos.9000-9002/2025

8. The question of validity of sale deed dated 19.06.2024 executed in respect of Survey No.98/1, 98/2 (part) is required to be determined before issuing any direction for the sanctioning of the lay out plans. Let notice be therefore issued to respondent No.1 (H.P. Rajagopala Reddy) in whose favour the second sale deed dated 19.06.2024 has been executed. Notice is made returnable on 28.10.2025. Liberty to serve the above-mentioned vendee through dasti.

IA No.286435/2024

9. There is a serious dispute between the parties with respect to the custody of the original Development Agreement and consequential stamping. It is stated on behalf of the Unitech that the Development Agreement was in two parts, one original part is with itself and the second original part is with the Andhra Pradesh Industrial Infrastructure Corporation (APIIC). Unitech has no objection in sharing 50% of the stamping charges proportionately, provided that APIIC also produces the original agreement in its possession before the competent Registering Authority.

10. Counsel for the APIIC states that they do not have any part of the original agreement in their possession as the same was returned to the then Unitech management after it was duly signed. The

aforesaid controversy is essentially a question of fact, and it is necessary to resolve it for giving effect to the award passed in favour of the Unitech Ltd. The Board of Unitech is, therefore, directed to produce the original Development Agreement (first part), which is in their possession, before the competent Registrar under the Registration Act in the State of Andhra Pradesh along with 50% of the stamp duty charges. The remaining 50% stamp duty shall be borne by the APIIC.

11. Let the needful be done within two weeks.

IA Nos.229281-82/2025

12. We are informed that in respect of the project at Rewari for which licence No.84/2009 was granted by the prescribed authority, some third party rights have been created. The land owners have also executed a Memorandum of Understanding along with an irrevocable Power of Attorney in favour of Unitech. In this backdrop, a prayer for renewal of licence No.84/2009 is made. Since some third party rights are stated to have been created, we direct the Director, Town and Country Planning, Haryana to hear all the parties concerned and take an appropriate decision regarding renewal of the aforementioned licence.

13. Needful shall be done within four weeks.

Senior citizen homebuyers'

14. As regard to the direction for disbursement of deposits made by some of the home buyers, we are informed that such claims were invited from the senior citizens and have since been scrutinized in terms of the order dated 06.02.2025. After scrutinizing these

claims, a sum of Rs.3,87,95,004/- needs to be refunded to ten home buyers.

15. Let the aforesaid amount be disbursed to the ten senior citizen home buyers.

16. The Registry of this Court is directed to release the aforementioned amount to the Board of Unitech, who are permitted to refund the same in favour of ten senior citizen home buyers. The Registry is directed to do the needful within two weeks.

IA No.26890/2020

17. It is further explained that a sum of Rs.51,21,17,568/- is required to be deposited towards EPF dues of the employees for a period of 46 months from May, 2015 to February, 2019. This amount pertains to 1106 Unitech employees, as per the details in reply to I.A. No. 26890 of 2020. Let Unitech deposit the aforesaid amount with the Provident Fund Authority, for which the Registry is directed to release the requisite amount. The accounts of 1106 employees with respect to EPF dues shall be updated and a compliance affidavit shall be placed on record.

Fresh option sought by some home buyers

18. At this juncture, we are informed that some of the home buyers have applied to grant them a fresh option for taking possession of the dwelling units purchased by them in place of the refund for which they have earlier opted. It is pointed out that sufficient opportunities were granted to them in the past. However, Unitech has been persuaded to place the matter again before its Board for sympathetic reconsideration of the requests received from all those

home buyers, who had earlier opted for refund. The home buyers who opted for refund may be granted one final and last opportunity to reconsider their previous options and submit the fresh ones. They may be given a one-time option by the Board by fixing a cut-off date for inviting such claims. Thereafter, no such request shall be entertained.

I.A. Nos.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

19. So far as the clarification sought by Hon'ble Mr. Justice A.M. Sapre, a former Judge of this Court, regarding release of dues of contractors, who are said to have executed different works in different projects, it seems to us that permitting the claimant contractors to produce new documents at this stage may lead to an unmanageable state of affairs. Therefore, his Lordship is requested to determine their claims on the basis of the documents already submitted.

20. List the matters on 28.10.2025.

SLP(C) No.12667/2018

21. Learned counsel for the petitioner has filed IA No.112969/2025, seeking liberty to withdraw the special leave petition.

22. Application is allowed.

23. The special leave petition is dismissed, as withdrawn.

24. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR