

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A. NO. \_\_\_\_\_ OF 2023  
IN  
CIVIL APPEAL NO. 10856 OF 2016

IN THE MATTER OF:  
BHUPINDER SINGH

.....APPELLANT

VERSUS

UNITECH LIMITED

.....RESPONDENT- APPLICANT

**APPLICATION FOR DIRECTIONS FOR AWARD OF  
CONTRACTS IN RESPECT OF 49 TENDERS FOR  
UNDERTAKING CONSTRUCTION, AS APPROVED BY HON'BLE  
MR. JUSTICE A.M. SAPRE (RETD.) IN FURTHERANCE OF  
ORDERS PASSED BY THIS HON'BLE COURT**

**PAPER BOOK**  
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ADVOCATE FOR RESPONDENT-APPLICANT: ANUBHA AGRAWAL

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FURTHERANCE OF ORDERS PASSED BY THIS  
HON'BLE COURT**

To

The Hon'ble Chief Justice of India  
And His Companion Justices of  
The Supreme Court of India

The humble application of the respondent-applicant named above

**MOST RESPECTFULLY SHOWETH:**

1. That the new Board of Unitech Group, appointed pursuant to order dated 20.01.2020, passed by this Hon'ble Court, is filing the present Application seeking directions for award of contracts in respect of 49 tenders, which have been duly approved by the Board of Directors and Hon'ble Mr. Justice A. M. Sapre (Retd.), for the purposes of construction in respect of stalled projects of Unitech Group covering approximately 8,200 sold units and for award of further contracts on an on-going basis.

2. That as per the latest data, the new management has to take up and complete construction of approx. 22,000 Units along with provision of external infrastructure development works like project boundary walls, internal roads, water supply systems including Water Treatment Plants (WTPs), sewage & drainage systems including Sewage Treatment Plants (STPs) and electrical infrastructure including sub-stations and power back-up arrangements through installation of Gensets. Integrated development of the project area is imperative before reaching a stage of applying for Completion/ Occupation Certificates from the concerned authorities and consequent offer of possession to the Homebuyers.
3. That the projects of Unitech Group, across various states, were left incomplete at different stages of construction, had been lying stalled for more than 6-7 years without any repairs and maintenance and had been exposed to weather conditions leading to deterioration. Copy of the photographs showing the existing position of some of the projects is attached as **Annexure A-1 (Colly) (Pg No.13 to 20)**.
4. That before undertaking any construction, it was imperative that a stock of existing construction be taken, balance works be estimated, both in terms of quantity and costs and required documentation be done in terms of preparation of bill of quantities, cost estimates, preparation of tender documents, invitation of bids, day to day supervision of construction works including quality control, audit of running bills, adherence to time lines, offer of possession etc. Hence, the New Board sought permission of this Hon'ble Court for appointment of Project

Management Consultants (hereinafter referred to as “PMCs”), as project implementation supervision agencies.

5. That this Hon’ble Court, vide order dated 28.10.2021, was pleased to permit the new Board to proceed ahead with the appointment of Project Management Consultants for undertaking Part A of the Scope of Work, except the award of contracts. This Hon’ble Court specifically directed that:

“We clarify that at this stage, no award of contracts shall be undertaken by the PMCs without the express prior permission of this Court.”

A copy of order, dated 28.10.2021, passed by this Hon’ble Court granting permission to appoint Project Management Consultants, is attached as **Annexure A-2 (Pg No.21 to 31)**.

6. That five (05) Project Management Consultants were appointed who undertook Part-A of the Scope of work which included work of verification of status of each project site, finalization of accounts of existing contractors, preparation of detailed project reports for the balance works for each project, preparation of tender documents, preparation of budget and cash flow requirements and time-lines for completion of projects. M/s Engineers Indian Limited (EIL), a Central Public Sector Enterprise, which was appointed as the Third-Party Inspection Agency also reviewed the General Conditions of Contract and vetted the cost estimates and tender documents prepared by the said PMCs.
7. Thereafter, this Hon’ble Court, vide order dated 18.05.2022, was pleased to direct as follows:

“Mr Justice A M Sapre is requested to scrutinise all tender documents including the underlying financials having due regard to the report which would be submitted by the EIL after verification of the cost estimates which are submitted by the PMCs. Justice Sapre shall be associated with every stage of the tendering process which shall be carried out under his supervision.”

A copy of order, dated 18.05.2022, passed by this Hon’ble Court, is attached as **Annexure A-3 (Pg No.32 to 42)**.

8. That Hon’ble Mr. Justice Sapre held meetings with management, team leaders of all 5 PMCs and EIL on 23.05.2022, 24.05.2022, 25.05.2022; 02.06.2022; 09.06.2022 and 17.06.2022. He familiarised himself with the role and scope of work of PMCs and EIL; checked how Bills of quantities are calculated and rates are fixed for construction items. Delhi Schedule of Rates (DSR-2021) has been followed for items mentioned in the Schedule and rates of other items are based on market analysis. Tender documents were prepared by the PMCs and vetted by EIL. The said documents were placed before Hon’ble Mr. Justice A.M. Sapre (Retd.) and detailed meetings were held regarding the tenders to be floated and cost estimates arrived at. Tender documents were kept ready for issuance after permission by this Hon’ble Court. This Hon’ble Court, vide order dated 17.08.2022, was pleased to allow as follows:

“6. Justice Sapre has held meetings with the management and team leaders of all 5 PMCs and EIL on six days between 23 May 2022 and 17 June 2022. It is anticipated that about 135 tenders would be floated

which process will be done in lots of 20 to 25 tenders with an intervening gap of 15 to 20 days to ensure maximum participation from bidders. This is a continuous process which will be undertaken in parallel with a likely time-line of 90 to 100 days for each lot. The convenience note submitted by the Additional Solicitor General states that:

“Projects, buildings and structures were left at different stages of construction and have been lying as such for a number of years, without any repairs and maintenance. They have been exposed to the weather conditions, which would have led to deterioration. Before undertaking any further construction on such structures, it is important to ensure safety of the structures on which further construction has to be done since works have been lying stalled for many years. Therefore, IIT Roorkee, IIT Chennai and Jadavpur University (West Bengal) have been engaged for (i) getting the proof checking of structural designs of under-construction high-rise buildings, and for (ii) Health Safety Audit of all such high-rise structures. This is very important for the safety of the homes and the homebuyers. It will instil their confidence. Necessary remedial measures, wherever required, will be carried out only after the IITs complete their audit in this behalf.”

7. Justice A M Sapre has recommended that tender documents be kept ready for issuance and that EIL be

directed to complete the work of verification expeditiously.

8. A detailed note regarding the tendering process has been submitted by Justice A M Sapre after careful evaluation.
9. In view of the above exercise, there shall be a direction to the effect that the tendering process be completed in 4 to 5 lots upon confirmation of the availability of finance.”

A copy of order dated 17.08.2022, passed by this Hon’ble Court, is attached as **Annexure A-4 (Pg No.43 to 53)**.

9. As per the tendering process put in place by the new management, detailed Tender Documents prepared by the PMCs, were vetted by the Engineers India Limited (EIL), a Central Public Sector Undertaking, engaged as an independent Third Party Inspection & Monitoring Agency. All Bids were invited following an Online process as the default mode. All related details regarding the method of preparation of Cost Estimates in the Tenders, following the Delhi Schedule of Rates (DSR-2021) applied to the Bill of Quantities (BOQs) for the balance works, prepared by the PMCs during the course of “As-is-Assessment”, were presented and explained to Hon’ble Justice Sapre to his satisfaction, and modified as suggested. Bids were received following the two-envelope system i.e. Technical Bids & Financial Bids. The financial bids of only those bidders were opened who were found to be technically qualified as per the laid down criteria. The outcome of the bids received was first placed before the Board of Directors, followed by presentation before Justice A.M. Sapre for his approval.

10. That the new Management floated 35 tenders in Lot-1 on 02.01.2023 for completion of 3,254 sold units, for which Hon'ble Mr. Justice A.M. Sapre (Retd.) had granted his approval on 16.12.2022. Pre-bid conferences with the prospective bidders were held on 16.01.2023, 17.01.2023, 18.01.2023 and 20.01.2023. Last date for submission of Tenders was extended to 20.02.2023 keeping in view the initial lukewarm response and also requests from prospective bidders. The management did not receive any bids in respect of 18 Tenders and the bids in case of 02 Tenders were rejected, as in one case the Bidders were not found to be technically qualified and the rates quoted in another case were unacceptably high. Thus, the management submitted proposal for award of 15 Contracts, which has been recommended for approval of the Hon'ble Court by Justice A.M. Sapre vide his report dated 24.04.2023. A list of 15 tenders, in respect of which award of contracts is proposed, is attached as **Annexure A-5(Pg No.54)**.
11. However, it is relevant to mention that the validity of these bids was only till 20.08.2023. Since, the matter could not be taken up by the Hon'ble Court for approval of bids and award of contracts, the management requested the successful bidders for extension of validity period to which 14 out of 15 bidders have agreed to extend the validity of their bids by three months i.e. up to 20.11.2023.
12. Subsequently, the management, floated 51 tenders as part of Lot-2 on the e-portal on 08/09.05.2023, including 20 tenders in respect of which no bids had been received in Lot-1, after approval of the Board and Hon'ble Mr. Justice Sapre (Retd.) on 17.04.2023. A total of 103 Bids were received in respect of 42 out of 51 Tenders. No bids were received in respect of 09 tenders. Technical

evaluation was completed by the PMCs and duly vetted by EIL, based on which financial bids in respect of 35 Tenders (by 64 bidders) were opened on 26.07.2023. One bid was rejected by the Board in view of very high rates quoted by the said bidder, despite negotiations.

13. The proposal for Award of Contracts in these 34 out of 35 cases was circulated to the Board of Directors for approval pursuant to which the recommendations of the Board were placed before Justice (Retd.) A.M Sapre for his consideration. Justice (Retd.) A.M Sapre, vide his note dated 18.08.2023, has approved and recommended award of contracts for Lot-2, a copy of which is attached as **Annexure A-6 (Pg No.55)**. List of 34 technically qualified and financially successful bidders of Lot-2, in whose favour award of contracts is proposed to be made is attached as **Annexure A-7(Pg No.56 to 59)**. It is proposed to include the balance 15 Tenders of Lot-2 as part of Lot-3, proposed to be floated any day between 10<sup>th</sup> to 15<sup>th</sup> of October, 2023.
14. That Lot-1 and Lot-2 Tenders, as being proposed for Award of Contracts would cover completion of a total of 9,533 units including 8,204 sold Units. The Award cost in respect of 15 Tenders of Lot-1 and 34 Tenders of Lot-2 is Rs. 2327.57 Crore and the estimated overall cost including all overheads (GST + PMC Charges + EIL Charges + Architect & Design Services + IITs Charges + Statutory fees + Establishment Cost etc.) is estimated at about Rs. 3,305 Crore, which is sought to be met from the balance receivables from homebuyers, sale of unsold inventory and sale of other unencumbered assets of Unitech Group.

15. That after approval by this Hon'ble Court, contracts can be awarded in respect of 49 tenders, 15 tenders of Lot-1 and 34 tenders of Lot-2. The said contractors would require a period of about one (01) month for mobilization of their resources, men and machinery, before construction can be started on ground. It will therefore, also be imperative that this Hon'ble Court directs the homebuyers to make payments as per the Revised Payment Plan, which had been uploaded on the website of the company on 19.08.2022 and a copy of which is attached as **Annexure A-8 (Pg No.60 to 65)**. This is essential to ensure continuous cash flow and uninterrupted construction. It is submitted that as per the Revised Payment Plan, the payment of balance dues would commence after one month from the dates of Award of Contracts and be payable in quarterly installments only in respect of the projects for which contracts are awarded as an ongoing exercise.
16. In view of above, it is most respectfully prayed that the Hon'ble Court may kindly be pleased to permit award of contracts in respect of 49 Tenders of Lot-1 and Lot-2 so that construction can start, which will be a big milestone in the present proceedings. It is also prayed that the Hon'ble Court may further be pleased to permit award of contracts on an on-going basis with the approval of Hon'ble Mr. Justice A.M. Sapre (Retd.).
17. That instant application is being made bonafidely and in the interest of justice.

#### **PRAYER**

In view of the above, it is most respectfully prayed that the Hon'ble Court may kindly be pleased to:

- (a) Permit the new Management to award contracts in respect of Lot-1 and Lot-2 tenders as detailed above;
- (b) Permit award of contracts on an on-going basis with the approval of Hon'ble Mr. Justice A.M. Sapre (Retd.);
- (c) Pass any other or further order(s), which this Hon'ble Court deems fit and appropriate in favour of the applicant.

FOR WHICH ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

THROUGH



ANUBHA AGRAWAL

Advocate for Respondent- Applicant

Filed on: 04.10.2023



VERIFICATION

I, the deponent above named, do hereby verify that the contents of paras 1 to 3 of the affidavit are true and correct to the best of my knowledge and belief and based on the records of the company. No part of it is false and nothing material has been concealed therefrom.

Verified at Gurugram on this 27 Day of September, 2023

  
DEPONENT



ATTESTED  
RAM NIWAS MALIK, ADVOCATE  
NOTARY, GURUGRAM (HR.) INDIA

27 SEP 2023  
27 SEP 2023



**Project: Residences Sector-71-72 Gurugram**



**Project: Residences Sector-71-72 Gurugram**



# Unihomes Sector - 113 Noida



## Unihomes Sector - 113 Noida



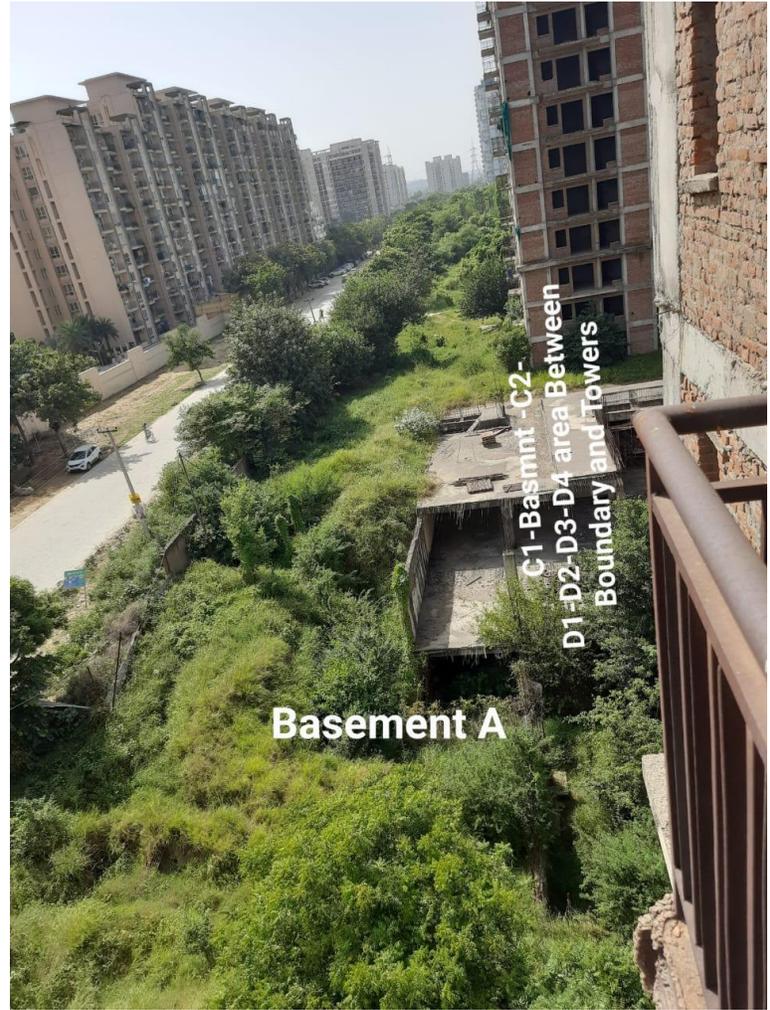
# Unihomes Sector - 113 Noida



# Project: Sunbreeze Gurugram



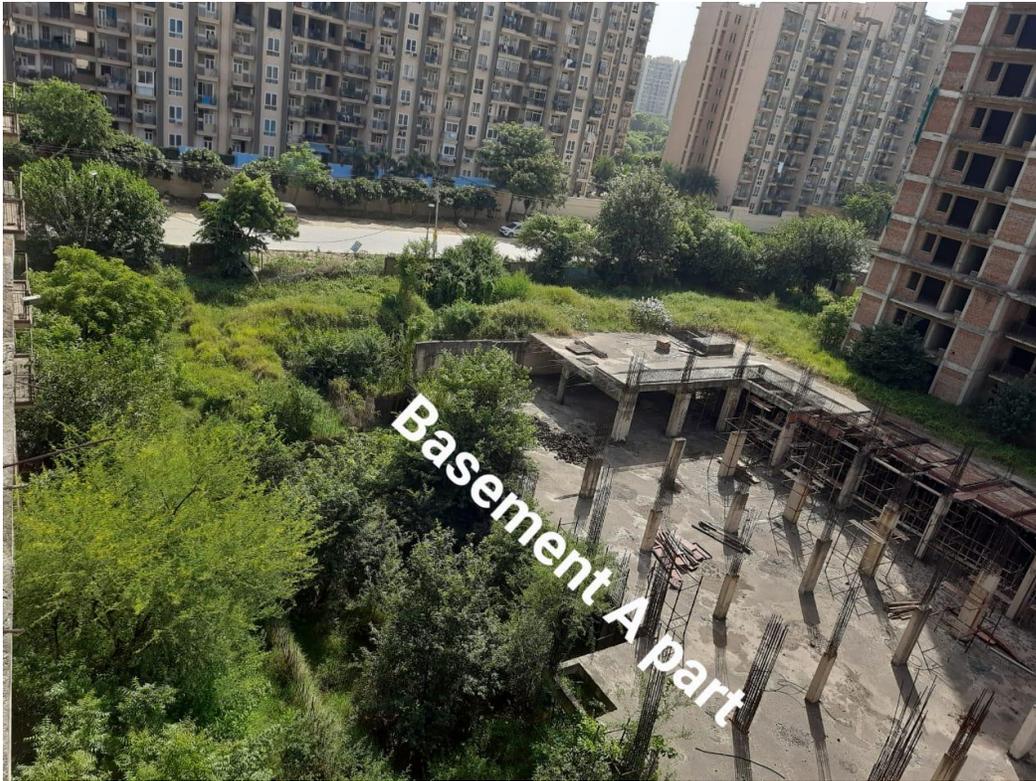
Area between Boundary & Ess to Tower A1-A2-A3-A4



C1-Basmt - C2-D1-D2-D3-D4 area Between Boundary and Towers

Basement A

Project: Sunbreeze Gurugram



ITEM NO.301

COURT NO.4

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 SCivil Appeal No.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(With appln.(s) for IA No.50706/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.50683/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.116163/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.81663/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.57580/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.112090/2021 - INTERVENTION, IA No.79304/2020 - INTERVENTION, IA No.50704/2021 - INTERVENTION/IMPLEADMENT, IA No.81660/2021 - INTERVENTION/IMPLEADMENT, IA No.57581/2021 - INTERVENTION/IMPLEADMENT and IA No.5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

Date : 28-10-2021 These matters were called on for hearing today.

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Mr. Ujjal Banerjee, Adv.  
Mr. Ashish Rao, Adv.  
Mr. Akash Khurana, Adv.

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

**IA No 50683/2021 in CA No 10856/2016**

- 1 Mr N Venkataraman, learned Additional Solicitor General has submitted a report titled 'Action Taken Report - II' in pursuance of the previous order of this Court dated 21 October 2021.
- 2 Since the report contains averments in relation to the agreements which have been entered into by Suraksha ARC with ICICI group entities and with the erstwhile management of Unitech Limited, we consider it appropriate to grant some time to the learned counsel for Suraksha ARC to take instructions and respond to the Action Taken Report - II.
- 3 We permit the new Board of Management of Unitech Limited constituted by the Government of India to proceed ahead with the appointment of Project Management Consultants for Part A of the Scope of Work, except the Award of Contracts. Part A of the work to be done by the PMCs at this stage shall cover the following items (except vii below):

- (i) Complete the process of verification of present status of each project site and finalization of accounts of the existing contractors;
- (ii) Undertake and complete the process of fore-closure/abrogation of the existing contracts and handing over and taking over of Works;
- (iii) Preparation of Detailed Project Reports (DPRs) for the balance works of each project, comprising the Bill of Quantities (BOQs) and the Cost Estimates of balance works;
- (iv) Preparation of the Tender Documents for the balance works of all the project sites;
- (v) Preparation of budget, cash flow requirements and time-lines for Completion Programme of each project;
- (vi) Appraise the need for preparation and submission of revised layout plans/ building plans and assist in submission and approval of such revised layouts/ building plans from the respective competent authorities;
- (vii) Complete the Bid management process (including Preparation of bid document, invitation of bids and their evaluation) and submit recommendations to the Management;
- (viii) Prepare the completion schedule along with budget and cash-flow requirements for completion of the projects;
- (ix) Develop the Management Information System and

Reporting formats covering the complete scope of work for creation and maintenance of records and effective monitoring of the progress of work.

- 4 We clarify that at this stage, no award of contracts shall be undertaken by the PMCs without the express prior permission of this Court. The ambit of the work of PMCs shall exclude item (vii) above at the present stage. The above permission shall be without prejudice to the rights and contentions of all the secured creditors.
- 5 Paragraph 4 of the affidavit dated 16 August 2021 filed by the Chief Operating Officer on behalf of the new Board of Management clarifies that the fees payable to the PMCs for Part A of the Scope of Work (Pre-Project Activities) is 0.45% of the initially estimated costs. The estimated costs on the basis of which 0.45% is to be computed are Rs 5,000 crores, subject to finalization.
- 6 List the application on 10 November 2021 at 3.00 pm.

**IA 57580 and 57581 of 2021 in Civil Appeal No 10856 of 2016, IA 81660 and 81663 of 2021 in Civil Appeal No 10856 of 2016, IA No 112090 of 2021 IA 50704 and 50706 of 2021 in Civil Appeal No 10856 of 2016 with IA Nos 79304 of 2020 and IA No 5463 of 2021**

- 1 List the applications at 3 pm on 10 November 2021.

**(CHETAN KUMAR)**  
A.R. - cum - P.S.

**(SAROJ KUMARI GAUR)**  
Court Master

ITEM NO.301

COURT NO.4

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(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(Only IA Nos. 57578 of 2022 and 64802 of 2022 in SLP(Cr1)Nos. 5978-79/2017 and IA No. 100828/19, 70286/2020 and 81090 of 2020 in Civil Appeal No. 10856 of 2016 are to be listed, IA No. 81090/2020 - INTERVENTION APPLICATION)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)  
(IA No. 64802/2022 - CLARIFICATION/DIRECTION  
IA No. 57578/2022 - CLARIFICATION/DIRECTION)

Date : 18-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, AOR (A.C.)  
Mr. Varun K. Chopra, Adv.

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Siddhartha Dave, Sr. Adv.  
Mr. Vishal Gosain, Adv.  
Mr. Anuroop Chakravarti, Adv.  
Ms. Ranjeeta Rohatgi, AOR  
Ms. Samten Doma, Adv.  
Ms. Aarushi Singh, Adv.  
Ms. Neeha Nagpal, Adv.  
Ms. Tarannum Cheema, Adv.

Mr. N. Venkataraman, ASG  
Ms. Anubha Agrawal, AOR

For Respondent(s)

Ms. Madhavi Divan, ASG  
Mr. K.M. Nataraj, ASG  
Ms. Suhashini Sen, Adv.  
Ms. Shraddha Deshmukh, Adv.

Mr. M.K. Maroria, AOR  
Ms. Chinmayee Chandra, Adv.  
Mr. Siddhant Kohli, Adv.  
Mr. Rajan Kr Chourasia, Adv.  
Mr. Prashant Singh B, Adv.  
Mr. Amrish Kumar, AOR  
Mr. Ayush Puri, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Nidhi Khanna, Adv.  
Ms. Praveena Gautam, Adv.  
Mr. Shekhar Vyas, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Sughosh Subramaniam, Adv.  
Mr. Subramanyan S., Adv.  
Mr. Ankur Talwar, Adv.  
Ms. Vaishali Verma, Adv.  
Mr. Raj Bahadur Yadav, AOR  
Mr. Arvind Kumar Sharma, AOR  
Mr. T.A. Khan, Adv.  
Mr. Anish Kr. Gupta, Adv.  
Mr. Adit Khorana, Adv.  
Mr. Digvijay Dam, Adv.  
Mr. G.S. Makkar, AOR

Ms. Misha Rohatgi, AOR

Ms. Jasmine Damkewala, AOR  
Ms. Vaishali Sharma, Adv.  
Mr. Dinesh Chander Trehan, Adv.

Mr. Divyesh Pratap Singh, AOR

Ms. Pritha Srikumar Iyer, AOR

Mr. Anil Grover, Sr. AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Ritu Rastogi, Adv.  
Mr. Suresh Kumar Bhan, Adv.

Mr. Brijesh Kumar Tamber, AOR  
Mr. Nitin Kaushik, Adv.  
Mr. Yashu Rustagi, Adv.

Mr. Ujjal Banerjee, AOR

Mr. Ankur S Kulkarni, AOR  
Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.

Ms. Uditha Chakravarthy, Adv.

Mr. M.L. Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Pranab Kumar Nayak, Adv.  
Mr. Himanshu Shekhar, Adv.

Mr. Ravindra Kumar, Sr. Adv.  
Mr. Binay Kumar Das, AOR

Mr. Rahul Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr. Aaditya A Pande, Adv.  
Mr. Geo Joseph, Adv.  
Ms. Shwetal Shepal, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.  
Mr. Shariq Ahmed, Adv.  
Mr. Tariq Ahmed, Adv.  
Mr. Sunil Kumar Verma, AOR

Ms. Pallavi Tayal, AOR

Ms. Pinky Anand, Sr. Adv.  
Ms. Kirti Dua, Adv.  
Ms. Saudamini Sharma, Adv.  
Ms. Priyanjali Singh, Adv.

Mr. Sandeep Devashish Das, Adv.  
Ms. Anandini Kumari Rathor, Adv.  
Ms. Mehak Sood, Adv.

Mr. Nimit Mathur, Adv.  
Mr. Amit Shrivastava, Adv.

Ms. Neha Gupta, Adv.

Mr. Romy Chacko, Adv.  
Mr. Sudesh Kumar Singh, Adv.

Mr. Vikramjit Banerjee, ASG  
Mr. Sidhartha Barua, Adv.  
Mr. Praful Jindal, Adv.  
Ms. Jasmine Damkewala, AOR

Mr. Dama Seshadri Naidu, Adv.  
Mr. B. Arvind Srevatsa, Adv.  
Mr. S. Santanam Swaminadhan, Adv.  
Mr. Abhilasha Shrawat, Adv.  
Ms. Aarthi Rajan, AOR

Mr. Ravi Prakash Mehrotra, Sr. Adv.

Mr. Apoorv Srivastava, Adv.  
Mr. Abhay Anand Jena, AOR

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

**IA No 81090 of 2020 in Civil Appeal No 10856 of 2016**

- 1 Issue notice, returnable on 27 July 2022.
- 2 Reply be filed in the meantime.

**Priadarshni Foundations Pvt Ltd**

- 1 We have heard Mr Dama Seshadri Naidu, counsel appearing on behalf of Priadarshni Foundations Pvt Ltd, and Mr N Venkataraman, Additional Solicitor General.
- 2 Priadarshni Foundations Pvt Ltd shall submit all documents to the Registrar for adjudication of stamp duty payable and for the registration of land in the name of Unitech Limited in accordance with law. The documents shall be submitted for adjudication to:
  - District Registrar - Chennai South, Integrated Building for Offices of the Commercial Taxes and Registration Department, Fanepet, Nandhanam, Chennai - 35; and
  - Sub Registrar - Kunrathur, NGS Enclave, Manickam Salai, Kundrathur, Chennai - 69.

**Unitech Action Taken Report III (Post - 28.10.2021)**

- 1 Pursuant to the previous hearing before this Court, a meeting has been convened between Mr N Venkataraman, Additional Solicitor General, Mr Ravindra Kumar, senior counsel appearing on behalf of the NOIDA and Greater NOIDA, Mr Anil Grover, senior AAG appearing on behalf of the State of Haryana and Mr Ankur S Kulkarni, counsel appearing on behalf of the Bangalore Development Authority.
  
- 2 Mr N Venkataraman, Additional Solicitor General, submitted that there was a broad consensus along the following lines:
  - (i) Where approvals have been granted by the planning authorities prior to the enforcement of the National Building Code 2016<sup>1</sup> and construction had reached at an irreversible state, the construction would be governed by the erstwhile NBC and applications for renewal shall be accordingly processed by the planning authorities on that basis;
  
  - (ii) Any application for the grant of fresh construction permissions shall be processed on the basis of the prevailing law on the date of the consideration of the application by the planning authority;
  
  - (iii) Wherever the approvals have already been granted under the erstwhile NBC and where constructions have not reached an irreversible state, the provisions of NBC 2016 shall be adhered to;
  
  - (iv) Where deviations have been found from the sanctioned plan, the new board of Management of Unitech Limited shall submit applications for compounding which shall be duly considered in accordance with law by

1 NBC 2016

the planning authorities;

- (v) The moratorium which is presently in force shall continue to remain in operation. The compounding fee, upon being quantified by the planning authorities shall be payable by Unitech Limited as and when a demand is raised; and
  - (vi) The accounts shall be maintained project wise so as to facilitate the graded payments of the dues of the planning authorities.
- 3 Mr Ravindra Kumar, senior counsel appearing on behalf of NOIDA and Greater NOIDA, submits that the above formulation which has been placed before this Court by the Additional Solicitor General may need to be nuanced so as to take the amendments in the design parameters due to the upgradation of the NBC 2005 to NBC 2016 and subsequent revisions. In this context, senior counsel submitted that the amendments will have to be taken up on an item by item basis and the planning authority would consider the application of the NBC 2005 or NBC 2016, as the case may be, with reference to each item separately.
- 4 In order to obviate any controversy on the applicability of the NBC 2005 or, as the case may be, NBC 2016 item wise, it has been agreed that a joint statement shall be prepared by the senior counsel appearing on behalf of NOIDA/Greater NOIDA and the Additional Solicitor General to be placed before this Court to obviate any ambiguity in the future. This exercise shall be carried out within a period of four weeks and a joint statement shall be placed on the record.
- 5 The Additional Solicitor General has submitted that the new board of management of Unitech would commit itself to comply with the NBC 2016 even in the case of projects where approvals have already been granted under the erstwhile NBC to the extent that it is feasible so as to take into account the

concerns which have been expressed on behalf of NOIDA/Greater NOIDA.

- 6 As far as the State of Haryana is concerned, Mr Anil Grover states that the Haryana Rules of 2017 would be applicable. In the matter of fire safety norms, Mr Anil Grover submitted that it has been agreed during the course of the meeting with the Additional Solicitor General that these norms shall be followed by the construction agencies.
- 7 Mr Ankur S Kulkarni, counsel appearing on behalf of BDA, states that during the course of the meeting which was convened with the Additional Solicitor General, the consensus which was arrived at is set out in the submissions of the Additional Solicitor General would be acceptable to BDA, subject to verification.
- 8 The new management of Unitech has sought permission to commence the tendering process.
- 9 The tendering cycle has been indicated in the following chart in the report submitted by the Unitech:

Tender Event Schedule		
1. Invitation of Bids by Unitech (01.06.2022)	2. Pre-bid meeting (15.06.2022)	3. Receipt of Bids by Unitech (30.06.2022)
4. Tender Opening (07.07.2022)	5. Handing over the Tender Documents to PMCs for evaluation and making recommendations (10.07.2022)	6. Evaluation of Bids by PMCs (01.08.2022)
7. Submission of recommendations to Unitech management (03.08.2022)	8. Issuance of LoA/Lol by Unitech management (23.08.2022)	9. Award of Contracts by Unitech (30.08.2022)

- 10 The above table indicates that by the next date of listing of these proceedings in July 2022, the schedule so far as items 1 to 5 is concerned would be observed.

The Court has been apprised of the fact that the cost estimates which have been prepared by the PMCs are being vetted by Engineers India Limited<sup>2</sup>, a central public sector undertaking. The report of EIL is expected to be received by the end of May 2022. The report of EIL shall be placed before Hon'ble Mr Justice Abhay Manohar Sapre in terms of the assignment entrusted to him by the previous order of this Court. Mr Justice A M Sapre is requested to scrutinise all tender documents including the underlying financials having due regard to the report which would be submitted by the EIL after verification of the cost estimates which are submitted by the PMCs. Justice Sapre shall be associated with every stage of the tendering process which shall be carried out under his supervision.

- 11 An *ad hoc* amount of Rs 20 lakhs shall be disbursed by Unitech to Justice Sapre towards honorarium payable for the work which has been assigned under the orders of this Court, subject to further orders.
- 12 We clarify that the entrustment to Justice Sapre of the above task in the context of the tender formalities shall be in addition to the previously entrusted task connected with the land sale.

**Issue of refund of the age group 65-75 years and above 75 years**

- 1 On the issue of refund, Mr Pawanshree Agrawal, *amicus curiae*, states that limited data of about 600 home buyers has emerged on the web portal and permission may be granted to allow an extension of three weeks so that all home buyers can come forth and register the information which has been described in the previous order of this Court.

- 2 The *amicus curiae* states that some additional time would be required to collate the relevant data.
- 3 The portal may be kept open for a further period of four weeks to allow all home buyers to upload their data and information in terms as directed in the order dated 27 April 2022.

**IA No 64802 of 2022**

- 1 The first prayer in the IA is that the Superintendents of Arthur Road Jail and Taloja Jail may be directed to produce the petitioners in terms of the order dated 26 August 2021 (on the video conferencing facility) and to ensure that the summons received from the Court are communicated in advance to the petitioners.
- 2 A reply has been filed on behalf of the prison authorities of the State of Maharashtra.
- 3 Mr Rahul Chitnis, Chief Standing Counsel, states that wherever production warrants are received by the prison authorities, necessary action is taken to comply with the production warrants by producing the accused on the video conferencing platform during the court hours.
- 4 In view of the reply which has been filed by the prison authorities and the statement of the Chief Standing Counsel, no further directions are required on this aspect.
- 5 The second prayer is for extending medical facilities as entailed in the jail manual.

- 6 The affidavit filed by the prison authorities and the statement which has been made by the Chief Standing Counsel are to the effect that all necessary facilities as required in terms of the jail manual are being extended.
- 7 As regards contact with the lawyers and the members of the family, the petitioners would be entitled to the facilities which are permissible under the jail manual.
- 8 The IA is accordingly disposed of.

**IA No 57578 of 2022**

- 1 List the IA on 27 July 2022.
- 2 Counter affidavit be filed in the meantime.

**Civil Appeal Nos 10856/2016 and SLP(Crl) Nos 5978-5979/2017**

List the following on 27 July 2022 at 2 pm:

- (i) IA No 57578 of 2022;
- (ii) Status Report of DG (Prisons);
- (iii) Action Taken Report III;
- (iv) Issue of refund of the age group 65-75 years and above 75 years;
- (v) IA No 100828 of 2019 and IA No 70286 of 2020 in Civil Appeal No 10856 of 2016;
- (vi) IA No 81090 of 2020 in Civil Appeal No 10856 of 2016;
- (vii) D.A. Kumar - IA Nos 97388 of 2020, 47795 of 2021 filed by Unitech and IA Nos 80954 of 2020 and 80947 of 2020 filed by D A Kumar;

(viii) Carnoustie - IA Nos 50704 of 2021, 50706 of 2021 filed by Unitech and IA Nos 79304 of 2020, 5463 of 2021 filed by Carnoustie and IA No 118046 of 2018 in SLP (Crl) Nos 5978-5979 of 2017; and

(ix) IA No 50683 of 2021 in Civil Appeal No 10856 of 2016.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(RAM SUBHAG SINGH)**  
**COURT MASTER**

## ANNEXURE A-4

CA 10856/2016

1

ITEM NO.301

COURT NO.3

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 IA No. 50683/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.77795/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.12105/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.97388/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.80954/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.50706/2021 - APPROPRIATE ORDERS/DIRECTIONS IA No.77813/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.70286/2020 - CLARIFICATION/DIRECTION, IA No.104097/2021 - CLARIFICATION/DIRECTION, IA No.104016/2021 - CLARIFICATION/DIRECTION, IA No.134992/2020 - EARLY HEARING APPLICATION, IA No.79304/2020 - INTERVENTION APPLICATION, IA No.77794/2022 - INTERVENTION APPLICATION, IA No.70271/2020 - INTERVENTION APPLICATION, IA No.104094/2021 - INTERVENTION APPLICATION, IA No.81090/2020 - INTERVENTION APPLICATION, IA No.104012/2021 - INTERVENTION APPLICATION, IA No.77802/2022 - INTERVENTION APPLICATION, IA No.47795/2021 - INTERVENTION/IMPLEADMENT, IA No.12103/2020 - INTERVENTION/IMPLEADMENT, IA No.100828/2019 - INTERVENTION/IMPLEADMENT, IA No.80947/2020 - INTERVENTION/IMPLEADMENT, IA No.50704/2021 - INTERVENTION/IMPLEADMENT and IA No.5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH S.L.P.(Cr1) Nos.5978-5979/2017 (II-C)

(With IA No. 118046/2018 - CLARIFICATION/DIRECTION)

Date : 17-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, AOR (A.C.)  
Mr. Varun K. Chopra, Adv.

**For Appellant(s)** Mr. N. Venkataraman, ASG  
Ms. Anubha Agrawal, AOR

Mr. Deepak Goel, AOR

Mr. Vishal Gosain, Adv.  
Mr. Anuroop Chakravarti, Adv.  
Ms. Ranjeeta Rohatgi, AOR  
Ms. Samten Doma, Adv.

**For Respondent(s)** Ms. Madhavi Divan, ASG  
Mr. K.M. Nataraj, ASG  
Ms. Chinmayee Chandra, Adv.  
Ms. Suhasini Sen, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Mr. M.K. Maroria, AOR  
Ms. Shradha Deshmukh, Adv.  
Mr. Siddhant Kohli, Adv.  
Mr. Rajan Kr Chourasia, Adv.  
Mr. Amrish Kumar, AOR  
Mr. Ayush Puri, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Nidhi Khanna, Adv.  
Ms. Praveena Gautam, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Sughosh Subramaniam, Adv.  
Mr. Vishesh Kalra, Adv.  
Mr. Raj Bahadur Yadav, AOR  
Mr. Arvind Kumar Sharma, AOR  
Mr. T.A. Khan, Adv.  
Mr. Anish Kr. Gupta, Adv.  
Mr. Shailesh Madiyal, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Mr. Apoorv Kurup, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Anuj Srinivas Udupa, Adv.  
Mr. Nakul Chengappa KK, Adv.  
Mr. G.S. Makkar, AOR

Ms. Misha Rohatgi, AOR

Ms. Jasmine Damkewala, AOR

Mr. Divyesh Pratap Singh, AOR

Mr. Nikhil Nayyar, Sr. Adv.

Ms. Pritha Srikumar Iyer, AOR

Mr. Naveen Hegde, Adv.

Ms. Mansi Binjrajka, Adv.

Mr. Anil Grover, Sr. AAG

Mr. Sanjay Kumar Visen, AOR

Mr. Rahul Khurana, Adv.

Mr. Satish Kumar, Adv.

Mr. Suresh Kumar Bhan, Adv.

Ms. Asmita Dwivedi, Adv.

Ms. Swati Yadav, Adv.

Mr. Ajay Bansal, Adv.

Mr. Gaurava Yadava, Adv.

Ms. Veena Bansal, Adv.

Mr. Sourav Jindal, Adv.

Mr. Brijesh Kumar Tamber, AOR

Ms. Bindu Das, Adv.

Mr. Vinay Singh Bisht, Adv.

Mr. Sahas Bhasin, Adv.

Mr. Yashu Rustagi, Adv.

Mr. R.C. Kaushik, AOR

Mr. Ujjal Banerjee, AOR

Mr. S.K. Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Ankur S Kulkarni, AOR

Ms. Uditha Chakravarthy, Adv.

Mr. M.L. Lahoty, Adv.

Mr. Paban K. Sharma, Adv.

Mr. Anchit Sripat, Adv.

Mr. Pranab Kumar Nayak, Adv.

Mr. Himanshu Shekhar, AOR

Mr. Ravindra Kumar, Sr. Adv.  
Mr. Binay Kumar Das, AOR

Mr. Aaditya A Pande, Adv.  
Mr. Rahul Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr. Geo Joseph, Adv.  
Ms. Shwetal Shepal, Adv.

Mr. Sunil Kumar Verma, AOR

Ms. Pallavi Tayal, AOR

Mr. Raajan Chawla, AOR

Ms. Aarthi Rajan, AOR

Mr. Ravi Prakash Mehrotra, Sr. Adv.  
Mr. Apoorv Srivastava, Adv.  
Mr. Kaushik Chaudhary, Adv.  
Mr. Abhay Anand Jena, AOR

Ms. Astha Tyagi, AOR

Ms. Arushi Gupta, Adv.  
Mr. Gautam Narayan, AOR

Mr. Romy Chacko, AOR  
Mr. Sudesh Kumar Singh, Adv.

Mr. Kavin Gulati, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Heney Maini, Adv.  
Ms. Kritika S., Adv.  
M/s Karanjawala

Ms. Charu Ambwani, AOR

Ms. V. Mohana, Sr. Adv.  
Mr. Kaushik Choudhary, Adv.

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

**I Re: refund**

- 1 The learned Additional Solicitor General has submitted a convenience note, pursuant to the order of this Court dated 27 July 2022. The convenience note contains the following proposal for vetting the claims of flat buyers and FD holders who require disbursement of funds for urgent medical needs:

“Mr. Justice Sapre has indicated that he would like to peruse the medical documents submitted with the assistance of a qualified doctor. He has also proposed to grant hearing, through virtual mode, to such claimants for completely understanding their medical needs for which refund is sought to be claimed. Hon’ble Mr. Justice Sapre has given a tentative time schedule of 16 days (2 sessions each day) in the month of September for holding such virtual meetings.

4 Unitech would upload on its website list of names of such persons (FD Holders and homebuyers), alongwith the date on which their cases would be heard and a link for joining the meet online. Such persons can join online, at their convenience, from their mobile phones, residences etc. so that no inconvenience is caused to them.

5 After, the process is over, report shall be submitted to the Hon’ble Court, alongwith recommendations for release of amounts in deserving cases. Directions can thereafter be issued to the Registry to release amounts directly to the account of such persons.”

- 2 It is anticipated that Justice A M Sapre would submit his report by 7 October 2022.

- 3 List the proceedings on 13 October 2022 at 3 pm for consideration of the report.

## **II Land Sale Policy**

- 4 In pursuance of the order dated 20 April 2022, Justice A M Sapre has held meetings with the management and the Directors of Unitech on six days, between 21 April 2022 and 29 June 2022. Justice Sapre has also visited land sites situated in Chennai, Hyderabad, Kochi, Goa and Sindhudurg in Maharashtra. The SOP for the monetization of land assets, as approved by Justice Sapre, is permitted to be implemented. Justice Sapre has made the following recommendations:

“Recommendations made by Hon’ble Mr. Justice Sapre are to:

(i) Get the valuation of land done at today’s market rate by 02 independent valuers, one being a government approved local valuer;

(ii) Lands be surveyed and demarcated with the help of revenue authorities and encroachments removed;

(iii) Applications be made to respective State Governments to get land status changed from ‘wet’ to ‘dry’ in Kerela and change of land use from ‘agricultural’ to ‘non-agricultural’ in Tamil Nadu. For facilitating the same, directions be issued by this Hon’ble Court;

(iv) Pay outstanding dues and taxes and get records updated.

8 M/s MSTC Limited, a Central Public Sector Enterprise (CPSE) under the Ministry of Steel has been engaged as Auctioneers for conducting e-auction through their already existing web portal. MSTC has also been conducting auctions in the Amrapali matter, pending before the co-ordinate bench of this Hon'ble Court. Detailed meetings were held with their team to understand their process, working and fees, which has been agreed to be payable only on completion of successful transaction."

- 5 The above recommendations of Justice Sapre are duly approved. The concerned revenue authorities shall duly cooperate in implementing the directions. Applications to be submitted to the State of Kerala shall also be duly processed. The SOP, as approved by Justice Sapre, contemplates that a Committee of five Directors shall steer the sale of land assets of which three Directors shall constitute the coram. The Committee would seek the assistance and guidance of Justice Sapre, when required. The recommendations of the Committee are to be placed before the Board of Directors for its decision. Justice Sapre would be a Special Invitee at the meeting of the Board of Directors. If a note of dissent is recorded by Justice Sapre in respect of any decision of the Board of Directors in regard to the sale of land assets, the decision shall not be implemented without the prior permission of the Court.

### **III Tendering Process**

- 6 Justice Sapre has held meetings with the management and team leaders of all 5 PMCs and EIL on six days between 23 May 2022 and 17 June 2022. It is anticipated that about 135 tenders would be floated which process will be done in lots of 20 to 25 tenders with an intervening gap of 15 to 20 days to ensure maximum participation from bidders. This is a continuous process

which will be undertaken in parallel with a likely time-line of 90 to 100 days for each lot. The convenience note submitted by the Additional Solicitor General states that:

“Projects, buildings and structures were left at different stages of construction and have been lying as such for a number of years, without any repairs and maintenance. They have been exposed to the weather conditions, which would have led to deterioration. Before undertaking any further construction on such structures, it is important to ensure safety of the structures on which further construction has to be done since works have been lying stalled for many years. Therefore, IIT Roorkee, IIT Chennai and Jadavpur University (West Bengal) have been engaged for (i) getting the proof-checking of structural designs of under-construction high-rise buildings, and for (ii) Health Safety Audit of all such high-rise structures. This is very important for the safety of the homes and the homebuyers. It will instil their confidence. Necessary remedial measures, wherever required, will be carried out only after the IITs complete their audit in this behalf.”

- 7 Justice A M Sapre has recommended that tender documents be kept ready for issuance and that EIL be directed to complete the work of verification expeditiously.
- 8 A detailed note regarding the tendering process has been submitted by Justice A M Sapre after careful evaluation.
- 9 In view of the above exercise, there shall be a direction to the effect that the the tendering process be completed in 4 to 5 lots upon confirmation of the availability of finance.

#### **IV Underlying Financials**

- 10 Justice A M Sapre has submitted a note after enquiring into the requirement, availability and source of funds for the completion of projects, prior to the

issuance of tenders. The recommendations by Justice Sapre are to the following effect:

- “(i) Funds from above mentioned sources shall be committed only for construction purposes and should not be diverted for any other purpose to ensure uninterrupted construction;
- (ii) Homebuyers be directed to make payments in time as per the Revised payment Plan to be notified shortly;
- (iii) Banks be directed to ensure timely release of unpaid amount of home loans already sanctioned to homebuyers;
- (iv) Tendering process should commence only after there is a direction regarding availability of committed funds.”

11 In view of the above recommendations, we pass the following order:

- (i) Funds receivable from homebuyers and from unsold inventory be committed only for construction purposes and should not be diverted for any other purpose to ensure uninterrupted construction (subject to such further orders as may be passed by this Court periodically);
- (ii) The Revised Payment Plan proposed by the Management of Unitech in terms of which the home buyers would be required to make payments shall be uploaded on the web portal of Unitech within forty-eight hours;
- (iii) The home buyers who wish to make their suggestions in response to the proposed payment plan would be at liberty to email them to the Board of Management of Unitech;

- (iv) The suggestions, if any, that are received will be collated and placed before this Court separately so as to facilitate the passing of orders by this Court in regard to the payment plan to be adhered to by the home buyers;
- (v) The Board of Management shall together with the payment plan also upload Document IV (contained in the working papers before this Court )containing the tentative time-line for the completion of the residential projects; and
- (vi) The Board of Management has also sought a direction to the banks to ensure the timely release of unpaid home loans already sanctioned to home buyers. In the event that the home buyers have any suggestions in that regard, the same may be placed before the Board of Management of Unitech in the same manner as indicated above, which will be considered on the next date.

**Civil Appeal Nos 10856/2016 and SLP(Crl) Nos 5978-5979/2017**

12 List the following on 13 October at 3 pm:

- (i) Report submitted by Mr Justice Abhay Manohar Sapre;
- (ii) Status Report of DG (Prisons);
- (iii) Action Taken Report III, IV & V;
- (iv) Issue of refund of the age group 65-75 years and above 75 years;
- (v) IA No 100828 of 2019 in Civil Appeal No 10856 of 2016;

- (vi) IA No 81090 of 2020 in Civil Appeal No 10856 of 2016;
- (vii) D.A. Kumar – IA Nos 97388 of 2020, 47795 of 2021 filed by Unitech and IA Nos 80954 of 2020 and 80947 of 2020 filed by D A Kumar;
- (viii) Carnoustie – IA Nos 50704 of 2021, 50706 of 2021 filed by Unitech and IA Nos 79304 of 2020, 5463 of 2021 filed by Carnoustie and IA No 118046 of 2018 in SLP (Crl) Nos 5978-5979 of 2017;
- (ix) IA No 50683 of 2021 in Civil Appeal No 10856 of 2016;
- (x) IA Nos 77794 and 77795 and 77802 and 77813 of 2022;
- (xi) IA Nos 12103/2020, 12105/2020, 70286/2020, 70271/2020, 134992/2020, 104012/2021, 104016/2021, 104094/2021 and 104097/2021;
- (xii) IA Nos 83361 of 2020 and 85172 of 2020;
- (xiii) SLP(C) No 9572 of 2007 [*City Infrastructure India Pvt Ltd vs New Okhla Industrial Development Authority and Others*].

**(CHETAN KUMAR)**  
A.R. -cum-P.S.

**(SAROJ KUMARI GAUR)**  
Court Master

**List of Technically Qualified & Financially Successful Bidders qua 15 Tenders**

Sr. No.	Name of PMC	Project name and Location	Tender Description	Estimated Cost (Rs. In Crores)	Name of Bidders	Awarded Cost (Rs. In Crores)	Tentative Completion Time (in months)	No. of Homebuyers being covered	No. of Units being completed
1	M/s Ky Consultants	Vistas , Gurugram	All works for tower A1 to A8	61.38	M/s Millenium Engineers	64.45	24	432	448
2			External development works	26.17	M/s Shree Balaji Builders	27.40	24	0	0
3			Horticulture Works	0.35	M/s Rajdhani Flora & Infrastructure Developers Pvt. Ltd.	0.34	24	0	0
4		The Concourse (Commercial), Gurugram	Aluminum Glazing and ACP works	4.20	M/s Aastha Alumina Pvt. Ltd.	4.875	12	0	0
5			Horticulture Works	0.16	M/s Swaraj Engineers & Construction	0.146	24	0	0
6			External development works	5.16	M/s Vij Contracts Pvt. Ltd.	5.34	12	0	0
7	REPL	Fresco, Gurugram	Civil & MEP Work	5.96	M/s Vij Contracts Pvt. Ltd.	5.96	9	7	7
8		Escape, Gurugram	Civil & MEP Work	5.06	M/s Vij Contracts Pvt. Ltd.	5.06	9	27	27
9		UniworlD Resort Plots, Gurugram	External Area Development	31.68	M/s Millennium Engineers	32.48	11	120	171
10	M/s Sangam	Unihomes Phase 1, 2 & Garden phase 3 Noida (STP 117)	SWD, External drainage & STP	5.83	M/s Eco Paryavaran Engineers & Consultants Pvt. Ltd.	6.38	24	0	0
11	M/s Vyom	Amber, Noida	Civil, Structural, finishing & internal MEP works	92.89	M/s Ishwar Singh & Associates Construction Pvt. Ltd.	103.62	26	386	422
12		Verve, Greater Noida	Internal finishing & MEP works and External development works	49.40	M/s Comt Construction Pvt. Ltd.	46.97	18	232	277
13		Habitat & Habitat Corner (Commercial), Greater Noida	Internal finishing & MEP works and External development works	90.28	M/s Svarnnim Infrastructure Pvt. Ltd.	83.81	24	477	551
14		Cascade, Horizon & Heights Greater Noida	Internal finishing & MEP works and External development works	51.07	M/s Comt Construction Pvt. Ltd.	48.02	12	528	542
15	M/s Hill International	Bhubaneswar One, Bhunaeswar	Civil, Structure, Finishing and MEP works, External Development & External Services	5.43	M/s Odyssey Advanced Telematic Systems	6.85	12	181	250
<b>Total</b>				<b>435.02</b>		<b>441.70</b>		<b>2390</b>	<b>2695</b>

The complete proposal pertaining to tenders invited as part of Lot-2 has been put up before me by the new management. The same was explained by the CMD today when the General Manager from EIL was also present.

The management floated a total of 51 tenders as part of Lot-2. The last date for submission of tenders was 22.06.2023. A total of 103 bidders participated in submission of bids against 42 tenders. No bids were received in respect of 9 tenders.

It was observed during technical evaluation that single bidders in case of 2 tenders were technically ineligible. Similarly, it was decided to recall 5 tenders where none of the bidders met the technical eligibility criteria because of stringent eligibility conditions. As such, this leaves a total of 35 tenders for consideration, whose financial bids were opened on 26.07.2023.

Out of 35 tenders, bids have been received in case of 20 tenders, which are within the updated cost of 8% above the Estimated Cost put to Tender / DNIT cost estimates. Hence, as recommended by the PMCs and EIL, these 20 bids have been proposed for acceptance at their quoted prices.

As a result of the above, the bids received in case of 15 tenders, being above the updated cost of 8% above the DNIT cost, were called for negotiations by the Negotiations Committee chaired by Shri Prabhakar Singh, one of the Directors. The negotiated rates in respect of 14 out of 15 contracts have been unanimously recommended for acceptance by the Negotiations Committee as well as by the Board.

However, it was noted that in one Tender pertaining to works in Sector 117 Noida, where the bidder (M/s. SPG Infraprojects Private Ltd.) had quoted 26% above the estimated cost put to tender and also agreed to revise it downwards to 15% above the DNIT cost, there is a difference in the views. While Shri Prabhakar Singh has strongly advocated acceptance of the said bid at their final offered rate of 15% above the DNIT costs, the CMD and other three Directors have disagreed with the same and recommended rebidding of the said tender along with other tenders of Lot-3.

I have gone through the estimated costs put to tender, the quoted bid price and the negotiated bid amount in case of each of the 34 projects and find the same to be in order. It has been brought to my notice that the award of the contracts would cover construction/completion of a total of 6838 residential & commercial units, including 5814 sold units for the home buyers awaiting completion thereof. It is also mentioned that 15 tenders forming part of Lot-1 and already submitted for award of work would cover construction/completion of a total of 2695 units including 2390 sold units. Thus, award of contracts against Lot-1 and Lot-2 tenders would cover construction of a total of 9,533 residential and commercial units including 8204 sold units.

The total award cost of these 34 tenders is about Rs. 1866 crore. The overall cost including the overheads (GST, PMCs, EIL, current statutory dues, design consultants etc.) works out to about Rs 2675 crore.

I agree with the majority decision of the Board, (taken vide agenda by circulation) in case of one tender pertaining to Sector 117 Noida, wherein the Board has decided with a majority of 4:1, to the effect that it should be retendered rather than its award at higher rates, which appears to be in the interest of Unitech.

Accordingly, the proposal submitted by the management for award of contracts in respect of 34 tenders of Lot-2 is approved and recommended for the approval of the Supreme Court.

The Ld ASG may be apprised of my above recommendations, which he may place before the Hon'ble Supreme Court for consideration and appropriate orders.

**[JUSTICE (RETD) ABHAY MANOHAR SAPRE]**  
**18.08.2023**

**CMD, UNITECH**

List of Technically Qualified & Financially Successful Bidders qua 34 Tenders					
Sr. No.	Project name and Location	Tender Description	Estimated Cost put to Tender (Rs. In Cr.)	Name of Successful Bidder	Award Cost (Rs. In Cr.)
(1)	(2)	(3)	(4)	(5)	(6)
1	Unihomes, Ambala	RCC, Civil, Finishing & internal MEP works of Unihomes	91.68	M/s KBG Engineers	85.38
2	Concourse, Gurgaon	Concourse - Balance Civil & MEP Works in constructed Towers A & B	48.90	M/s PNSC Infrastructure Pvt. Ltd.	50.58
3		Electrical Sub Station Works	5.86	M/s Taneja Vidyut Control Pvt. Ltd.	4.87
4	Vistas, Gurgaon	Balance Civil & MEP Works in constructed Towers A9 to A11	7.29	M/s Millenium Engineers	7.88
5		Balance Civil & MEP Works in constructed Towers B1 to B5 & E1-E2 including EWS	101.49	M/s PNSC Infrastructure Pvt. Ltd.	100.17
6		Electrical Sub Station Works	11.16	M/s Taneja Vidyut Control Pvt. Ltd.	8.26
7	South city-2, Gurugram	Balance Work at South City II Floors	2.22	M/s SNP Enterprises	2.42
8	Wood stock floor, Gurugram	Balance Works of Woodstock Floors	2.70	M/s SNP Enterprises	2.95
9	Fresco, Gurugram	External area development (Boundary Wall, Swimming pool & expansion joint) works	0.67	M/s Meenal Housing Pvt. Ltd.	0.74
10	Business Zone, Gurugram	Balance Works of Business Zone	1.22	M/s Meenal Housing Pvt. Ltd.	1.34
11	Uniworld Tower, Gurugram	Balance Civil & MEP Works	5.79	M/s P. K. Gupta & Company	6.48
12	Global Gateway, Gurugram	Balance Civil works	0.18	M/s All Build Construct Solutions	0.21
13	Harmony, Gurugram	Balance Civil & MEP Works	4.17	M/s Vij Contracts Pvt. Ltd.	4.17

List of Technically Qualified & Financially Successful Bidders qua 34 Tenders					
Sr. No.	Project name and Location	Tender Description	Estimated Cost put to Tender (Rs. In Cr.)	Name of Successful Bidder	Award Cost (Rs. In Cr.)
(1)	(2)	(3)	(4)	(5)	(6)
14	Close North, Gurugram	Balance Civil & MEP Works	2.98	M/s P. K. Gupta & Company	3.34
15	Close South, Gurugram	Balance Civil & MEP Works	7.94	M/s P. K. Gupta & Company	8.90
16	Uniworld Garden-II	Balance Civil & MEP Works	10.01	M/s P. K. Gupta & Company	11.00
17	Residences	Balance Internal Civil & MEP Works	57.91	M/s PNSC Infrastructure Pvt. Ltd.	58.92
18		Balance External Area development (Civil, Electrical, Horticulture etc.) Works	7.71	M/s N. K. Gupta & Company	8.64
19	Uniworld Resorts, Gurgaon	Civil, Finishing & MEP Works for Electrical substation (ESS) building	3.35	M/s Taneja Vidyut Control Pvt. Ltd.	2.85
20	Sunbreeze, Gurgaon	Balance Internal Civil & MEP Works at 'Sunbreeze' - A,B,C BLOCK (10 Towers) & EWS Building	88.24	M/s PNSC Infrastructure Pvt. Ltd.	87.04
21		Balance Internal Civil & MEP Works at 'Sunbreeze' - D & E Block (06 Towers)	88.60	M/s PNSC Infrastructure Pvt. Ltd.	87.51
22		Balance External Civil & MEP Works	48.64	M/s PNSC Infrastructure Pvt. Ltd.	47.95
23	Exquisite, Gurgaon	Balance internal and external Civil & MEP Works	146.67	M/s COMT Constructions Pvt. Ltd.	141.87
24	Garden, Heights, Horizon, Vista, Downtown, Downtown Retail (Commercial), Cascade, Harmony, Fresco-Kolkata	Civil Finishes, Door & windows and MEP works in incomplete units in Handed over towers/Blocks	1.75	M/s B P Decon Pvt. Ltd.	1.89

List of Technically Qualified & Financially Successful Bidders qua 34 Tenders					
Sr. No.	Project name and Location	Tender Description	Estimated Cost put to Tender (Rs. In Cr.)	Name of Successful Bidder	Award Cost (Rs. In Cr.)
(1)	(2)	(3)	(4)	(5)	(6)
25	Uniworld City, Kolkata - Boundary wall & school Boundary wall	Common Boundary Wall, Guard room and New School Boundary Wall Work	1.37	M/s B P Decon Pvt. Ltd.	1.41
26	Cascades, Kolkata	Balance Work for Civil, Structure, Finishing, MEP Works, Lifts, External Development & External Services for Tower 5-10 & non-Tower Area	101.68	M/s Krishna Builders	113.88
27	Garden Galleria, Lucknow	Civil, structural, finishing, MEP & External development works	12.27	M/s Sivanssh Infrastructure Development Pvt. Ltd.	12.89
28	Gardens, Mohali	HVAC and associated works	2.32	M/s Juhi & Jai Contractors Pvt. Ltd.	2.49
29	The Willows, Noida	Balance development works like Water Supply, Sewerage System, Storm water drainage, Roads, and all other works	19.06	M/s Ishwar Singh & Associates Construction Pvt. Ltd.	19.82
30	Amber, Noida-96 97 98	Civil, Structural, Finishing, STP & MEP Works at Amber (External)	65.68	M/s Svarnim Infrastructures Pvt. Ltd.	59.57
31	Burgundy, Noida	Civil & structural, finishing& internal MEP works for phase-1 (Tower 1 to 5)	209.36	M/s Ishwar Singh & Associates Construction Pvt. Ltd.	226.63
32		Civil, Structural, Finishing & Internal MEP Works at Burgundy (Tower-6 & 7)	163.26	M/s Ishwar Singh & Associates Construction Pvt. Ltd.	176.73
33	Unihomes - 03 (Phase-1), Noida-113	Civil, Structural, Finishing, MEP & STP Works at Unihomes-03 (Phase-I)	256.22	M/s COMT Constructions Pvt. Ltd.	266.96

List of Technically Qualified & Financially Successful Bidders qua 34 Tenders					
Sr. No.	Project name and Location	Tender Description	Estimated Cost put to Tender (Rs. In Cr.)	Name of Successful Bidder	Award Cost (Rs. In Cr.)
(1)	(2)	(3)	(4)	(5)	(6)
34	Unihomes - 03 (Phase-2), Noida-113	Civil, Structural, Finishing, MEP & STP Works at Unihomes-03 (Phase-II)	260.11	M/s COMT Constructions Pvt. Ltd.	270.15
Total			1838.48		1885.87

## ANNEXURE A-8

## Notice to Homebuyers of Unitech Group

## Revised Payment Plan and Tentative Completion of Projects

1. In compliance of order dated 17.08.2022 passed by the Hon'ble Supreme Court, a copy of the Revised Payment Plan Schedule for payment of Balance Sale consideration, alongwith the Tentative timelines for completion of each project, is being uploaded for information of all the concerned homebuyers. The attached **Table-1** contains the Revised Payment Plan in installments, whereas the Tentative Completion Schedule of various projects is given in the attached **Table-2**.
2. Homebuyers can estimate the time of payment and plan their finances based on the above tables, working of which is shown by way of following illustrations:

Illustration 1:

- (i) As per Table-2, projects mentioned at Sr. Nos. 7, 10, 16, 17, 22, 24, 27, 28, 33, 45, 50, 53, 54, 56, 60 and 61 are estimated to be completed within 6 to 9 months from the date of award of contracts.
- (ii) As per Table-1, cases of homebuyers in above projects falls under Column (2) i.e. "Within 9 months". As such, the balance amount shall be payable by the homebuyers in 02 instalments i.e. on 01.02.2023 and 01.05.2023. The balance 5% would be payable at the time of Offer of Possession.

Illustration 2:

- (i) The projects mentioned at Sr. Nos. 3, 9, 12, 15, 20, 25, 35, 37, 38, 46, 47, 65, 66, 67, 68, 72, 74, 75 and 79 are estimated to be completed within 24 months from the date of award of contracts.
  - (ii) The Homebuyers in these projects would fall under Column (5) of Table-1 i.e. ">18 to 24 months". Accordingly, the balance amount payable by the Homebuyers falling in this category shall be payable in 7 quarterly installments over a period of next 2 years. The balance 5% would be payable at the time of Offer of Possession.
3. It would be the endeavour of the Management to award all contracts by 31<sup>st</sup> January, 2023. Hence, the payment schedule is starting from 01.02.2023, irrespective of the actual date of award of contracts.
  4. Balance amount payable by a homebuyer (Total Amount Due or TDA) means -
    - (i) Total amount to be paid for the Unit [including all charges, viz. Installment, EDC & IDC charges, Preferential Location Charges (PLC), Parking Charges, Terrace Charges (wherever applicable), Contingencies/ Security and other

Misc. Charges] except stamp paper and registration fee Less (-) Total amount paid upto 31<sup>st</sup> July, 2020; and

- (ii) GST, as applicable, shall be payable in addition along with the installment.
5. The management is currently in the process of development of a portal which would house all data regarding customer - ledgers of all projects, and accessible by a customer with a password login with facilities for on-line verification of his Total Amount Due (TDA) and for on-line payments. Post transfer of all data and testing of the software, this application is planned to be launched/ hosted on the Company website by mid-November, 2022. However, during the intervening period, if required, a homebuyer can reconcile his Total Amount Due (TDA) through emails at [paymentplan@unitechgroup.com](mailto:paymentplan@unitechgroup.com)
6. The Hon'ble Court, vide order dated 17.08.2022, has further stated that:
- “(iii) *The home buyers who wish to make their suggestions in response to the proposed payment plan would be at liberty to email them to the Board of Management of Unitech.*
- (vi) *The Board of Management has also sought a direction to the banks to ensure the timely release of unpaid home loans already sanctioned to home buyers. In the event that the home buyers have any suggestions in that regard, the same may be placed before the Board of Management of Unitech in the same manner as indicated above, which will be considered on the next date.”*
7. Accordingly, suggestions, if any, may kindly be emailed to: [paymentplan@unitechgroup.com](mailto:paymentplan@unitechgroup.com) Similarly, clarifications, if any, regarding the payment plan can be sought by emailing at the same email ID.
8. Receiving payments in time is critical for timely completion of projects. Management is hopeful that homebuyers would extend their cooperation and whole hearted support by adhering to the payment schedule.
9. Please note that all communications henceforth will be in electronic mode on our website [unitechgroup.com](http://unitechgroup.com). The management would create a prominently displayed Tab on the Menu “Payment Plan”. An e-Process Note to facilitate the transactions will also be uploaded on the website shortly.

Y. S. Malik  
Chairman & Managing Director,  
Unitech Group

Table - 1

Revised/ Updated Payment Plan in respect of balance receivables from the Home-buyers								
<b>Total Due Amount (TDA) -</b>	<b>Total Due Amount = Total amount to be paid for the Unit (includes all charges except stamp paper and registration fee) – Total amount paid upto 31<sup>st</sup> July, 2020. GST, as applicable, shall be payable in addition along with the installment shown below.</b>							
<b>Dates by which the Homebuyers are to deposit the balance receivables.</b>								
<b>Completion period / Payment Schedule</b>	<b>Within 9 Months</b>	<b>&gt; 9 to 12 months</b>	<b>&gt;12 to 18 months</b>	<b>&gt; 18 to 24 months</b>	<b>&gt;24 to 30 months</b>	<b>&gt; 30 to 36 months</b>	<b>&gt;36 to 42 months</b>	<b>&gt; 42 months</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
01.02.2023	50% of TDA	35% of TDA	25% of TDA	15% of TDA	15% of TDA	10% of TDA	8% of TDA	7% of TDA
01.05.2023	45% of TDA	30% of TDA	25% of TDA	15% of TDA	10% of TDA	10% of TDA	8% of TDA	7% of TDA
01.08.2023	NA	30% of TDA	25% of TDA	15% of TDA	10% of TDA	10% of TDA	8% of TDA	7% of TDA
01.11.2023	NA	NA	20% of TDA	15% of TDA	10% of TDA	10% of TDA	8% of TDA	7% of TDA
01.02.2024	NA	NA	NA	15% of TDA	10% of TDA	8% of TDA	7% of TDA	7% of TDA
01.05.2024	NA	NA	NA	10% of TDA	10% of TDA	8% of TDA	7% of TDA	6% of TDA
01.08.2024	NA	NA	NA	10% of TDA	10% of TDA	8% of TDA	7% of TDA	6% of TDA
01.11.2024	NA	NA	NA	NA	10% of TDA	8% of TDA	7% of TDA	6% of TDA
01.02.2025					10% of TDA	8% of TDA	7% of TDA	6% of TDA
01.05.2025						8% of TDA	7% of TDA	6% of TDA
01.08.2025						7% of TDA	7% of TDA	6% of TDA
01.11.2025							7% of TDA	6% of TDA
01.02.2026							7% of TDA	6% of TDA
01.05.2026								6% of TDA
01.08.2026								6% of TDA
On Offer of Possession	5% of TDA plus Stamp Duty and Regn. Charges	5% of TDA plus Stamp Duty and Regn. Charges	5% of TDA plus Stamp Duty and Regn. Charges	5% of TDA plus Stamp Duty and Registration Charges	5% of TDA plus Stamp Duty and Regn. Charges	5% of TDA plus Stamp Duty and Registration Charges	5% of TDA plus Stamp Duty and Regn. Charges	5% of TDA plus Stamp Duty and Regn. Charges
<b>Note:</b>	It may be noted that in case a particular Tower or Block is completed earlier than scheduled and it is ready for offer of possession of the Unit, the concerned home-buyer shall have to make the payment of entire balance dues in lump-sum at the time of such offer of possession.							

Table-2

## Tentative Timelines for Completion of Projects

Sr. No.	Project Name	Type of Project	Tentative Time to Complete the Project from the date of Award of Contract (in Months)
<b>Location: Ambala</b>			
1	Ananda, Ambala	Plotted Development	30
2	Unihomes, Ambala	Independent Floors	36
<b>Location: Bengaluru</b>			
3	Uniworld Resort, Phase-1	Group Housing	24
4	Uniworld Resort, Phase-2	Group Housing	30
<b>Location: Bhubaneswar</b>			
5	Bhubaneswar One	Commercial	12
<b>Location: Chennai</b>			
6	Aspen Green	Plotted Development	15
7	Birch Court	Plotted Development	9
8	Gardens	Group Housing	18
9	Palm Premiere	Villas	24
10	Palm Villas	Villas	9
11	The Terraces	Group Housing	18
12	Unihomes-1	Group Housing	24
13	Unihomes-2	Group Housing	30
<b>Location: Greater Noida</b>			
14	Cascades	Group Housing	12
15	Habitat	Group Housing	24
16	Habitat Corner	Commercial	6
17	Heights	Group Housing	6
18	Horizon	Group Housing	12
19	Verve	Group Housing	18
<b>Location: Gurgaon</b>			
20	Alder Grove Villas and Plots	Villas	24
21	Anthea Floors	Independent Floors	36
22	Business Zone	Commercial	6
23	Crestview Apartments	Group Housing	48
24	Escape	Group Housing	9
25	Espace Premiere	Villas	24
26	Exquisite	Group Housing	36
27	Fresco	Group Housing	9
28	Global Gateway	Commercial	6

Table-2

## Tentative Timelines for Completion of Projects

Sr. No.	Project Name	Type of Project	Tentative Time to Complete the Project from the date of Award of Contract (in Months)
29	Harmony	Group Housing	11
30	Ivy Terraces	Independent Floors	36
31	Nirvana Country-II Plots	Plotted Development	18
32	Nirvana Courtyard II	Commercial	36
33	South City-II Floors	Independent Floors	6
34	South Park	Group Housing	48
35	Sunbreeze - Towers A1, A2, A3, A4, A5, A6, B1, B2, C1 and C2	Group Housing	24
36	Sunbreeze - Towers D1, D2, D3, D4, E1 and E2	Group Housing	42
37	The Close North	Group Housing	24
38	The Close South	Group Housing	24
39	The Concourse	Commercial	12
40	The Residences	Group Housing	18
41	The Willows Plots	Plotted Development	12
42	Uniworld Garden II	Group Housing	12
43	Uniworld Resort Plots	Plotted Development	11
44	Uniworld Resort Villas	Villas	12
45	Uniworld Tower	Commercial	9
46	Vistas - Towers A1, A2, A3, A4, A5, A6, A7, A8, A9, A10 and A11	Group Housing	24
47	Vistas - Towers B1, B2, B3, B4 and B5	Group Housing	24
48	Vistas - Towers C1, C2, C3, D1, D2, E1 and E2	Group Housing	42
49	Wildflower Country Plots	Plotted Development	18
50	Woodstock Floors	Independent Floors	6
<b>Location: Kolkata</b>			
51	AIR	Group Housing	18
52	Cascade, Kolkata	Group Housing	21
53	Downtown, Kolkata	Group Housing	9
54	Downtown, Retail, Kolkata	Commercial	9
55	Fresco, Kolkata	Group Housing	36
56	Gardens, Kolkata	Group Housing	9
57	Gateway Cluster-1	Group Housing	18
58	Harmony, Kolkata	Group Housing	30

Table-2

Tentative Timelines for Completion of Projects			
Sr. No.	Project Name	Type of Project	Tentative Time to Complete the Project from the date of Award of Contract (in Months)
59	Height, Kolkata	Group Housing	21
60	Horizon, Kolkata	Group Housing	9
61	Vistas, Kolkata	Group Housing	9
<b>Location: Lucknow</b>			
62	Garden Galleria	Commercial	12
<b>Location: Mohali</b>			
63	Executive Floors, Sector-97	Independent Floors	15
64	Garden, Sector-97	Group Housing	30
65	Garden Villa, Sector-97	Villas	24
66	Singleton, Sector-107	Independent Floors	24
67	Unihomes, Sector-107	Independent Floors	24
68	Uniworld City Plots, Sector-97, 106 & 107	Plotted Development	24
<b>Location: Noida</b>			
69	Amber, Noida - 96, 97 & 98	Group Housing	26
70	Burgubdy, Noida - 96, 97 & 98	Group Housing	40
71	Exquisite, Noida-117	Group Housing	36
72	Garden, Noida-117	Group Housing	24
73	The Residences, Noida-117	Group Housing	36
74	The Willows, Noida - 96, 97 & 98	Plotted Development	24
75	Unihomes-1, Noida-117	Group Housing	24
76	Unihomes-2, Noida-117	Group Housing	30
77	Unihomes-2 G & H, Noida-117	Group Housing	36
78	Unihomes-3, Noida-113	Group Housing	36
<b>Location: Rewari</b>			
79	Ananda, Rewari	Plotted Development	24
80	Unihomes, Rewari	Independent Floors	30