

ITEM NO.31

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1216/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 57693/2022 - CLARIFICATION/DIRECTION
IA No. 157932/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 157928/2021 - EXEMPTION FROM FILING O.T.
IA No. 22777/2022 - EXEMPTION FROM FILING O.T.
IA No. 15147/2022 - INTERVENTION APPLICATION
IA No. 15116/2022 - INTERVENTION APPLICATION
IA No. 157927/2021 - INTERVENTION APPLICATION
IA No. 150788/2021 - INTERVENTION APPLICATION
IA No. 15838/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 1226/2020 (X)
(FOR ADMISSION)

W.P.(C) No. 1403/2020 (X)
(FOR ADMISSION)

W.P.(C) No. 175/2021 (X)
(FOR ADMISSION)

Date : 12-08-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

Mr. Devashish Bharuka, Adv. (A.C.)
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Mr. Prashant Kr. Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
M/s Venkat Palwai Law Associates, AOR

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

- 1 In the status report, which has been submitted by Mr Devashish Bharuka, *amicus curiae*, a four-fold bifurcation of the States and Union Territories has been made for analysis, which is as follows:
 - (i) Group A consists of States and Union Territories where agreements for sale have not been notified;
 - (ii) Group B consists of States and Union Territories where there are no deviations in agreements for sale in comparison to the Model (Delhi) Agreement for Sale;
 - (iii) Group C consists of States and Union Territories where there are deviations from the model agreement but no justifications have been provided in terms of the order dated 18 April 2022; and

- (iv) Group D consists of States and Union Territories where there are deviations and justifications have been provided in terms of the order dated 18 April 2022.
- 2 The *amicus curiae* has, in addition, prepared a comprehensive chart containing instances of deviations and variations covering several areas.
- 3 At this stage, we first deem it appropriate to direct, within a period of three weeks, all States and Union Territories to respond to the status report which has been submitted by the *amicus curiae*. Responses shall be filed with the Union Ministry of Housing and Urban Affairs on or before 2 September 2022.
- 4 We have requested Ms Aishwarya Bhati, Additional Solicitor General and the *amicus curiae* to prepare a road map for the future after considering the responses which may be submitted by the States/Union Territories so that, to the extent it is feasible, a model agreement for sale can be uniformly made applicable to the States/UTs while leaving a certain degree of flexibility open based on the individual needs and exigencies as they emerge in the respective States/UTs. However, the core of the model agreement must be uniformly followed to protect the interests of home buyers.
- 5 List the proceedings on 16 September 2022.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER