

ITEM NO.34

COURT NO.1

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. 157927/2021 - INTERVENTION APPLICATION
 IA No. 150788/2021 - INTERVENTION APPLICATION
 IA No. 15147/2022 - INTERVENTION APPLICATION
 IA No. 15116/2022 - 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 : 09-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

Mr. Devashish Bharuka, Advocate (Amicus Curiae)

For Petitioner(s)

Mr. Ashwani Kumar Dubey, AOR

For Respondent(s)

Mrs. Aishwarya Bhati, A.S.G.
 Mr. Rajat Nair, Adv.
 Mrs. Ruchi Kohli, Adv.
 Mr. Bhuvan Kapoor, Adv.
 Mr. Durga Dutt, Adv.
 Mr. Mohd. Akhil, Adv.
 Mr. Amrish Kumar, AOR

Mr. Arvind Kumar Sharma, AOR

Ms. Aishwarya Bhati, A.S.G.

Mr. Gurmeet Singh Makker, AOR

Mr. Rajat Nair, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Bhuvan Kapoor, Adv.

Mr. Pratyush Shrivastava, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

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Mr. K V Girish Chowdary, Adv.

Mr. T Vijaya Bhaskar Reddy, Adv.

Mr. Shaik Mohammad Haneef, Adv.

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Ms. Niti Richhariya, Adv.

Mr. Anand Sanjay M. Nuli, Adv.

Mr. Dharm Singh, Adv.

Mr. Nanda Kumar K.B., Adv.

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Ms. Ruby S. Ahuja, Adv.

Ms. Akanksha Thapa, Adv.

Ms. Kanika Gumber, adv.

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Mr. Vishnu Kant, adv.

Alashya Dhamija, Adv.

Mr. Prabhat Ranjan, Adv.

Drauhn Garg, Adv.

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Ms. Eliza Bar, Adv.

Mr. Shailesh Madiyal, AOR

Ms. Diksha Rai, AOR

Ms. Ragini Pandey, Adv.

Mr. Avi Srivasatva, Adv.

Mr. Manish Kumar, AOR

Mr. Sumeer Sodhi, AOR

Mr. Gaurav Arora, Adv.

Mr. Surjendu Sankar Das, AOR

Ms. Annie Mittal, Adv.

Mr. Alok Sangwan, Sr. A.A.G.
 Mr. Neeraj, A.A.G.
 Mr. Piyush Beriwal, Adv.
 Mr. Ankit Raj, Adv.
 Mr. Vedansh Anand, Adv.
 Mr. Rudra Paliwal, Adv.
 Dr. Monika Gusain, AOR

Mr. Abhinav Mukerji, AOR
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 Mrs. Anu K Joy, Adv.

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Mr. Sachin Patil, AOR

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Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.

Ms. Kirti Dadheech, Adv.

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

- 1 Ms Aishwarya Bhati, Additional Solicitor General and Mr Devashish Bharuka, *Amicus Curiae*, have placed on the record a compendium comprising of:
 - (i) Part 'A' Clauses of builder-buyer agreements which are proposed to be uniform across the country; and
 - (ii) Part 'B' Clauses of builder-buyer agreements which may be inserted by the States, subject to the condition that they should not be contrary to or dilute the Clauses of Part 'A' and must conform to the provisions of Real Estate (Regulation and Development) Act 2016.
- 2 The compendium has been circulated to all the States and to the industry associations, which are represented in the Court.
- 3 We permit the States and the associations, as the case may be, to submit their responses to the Union Ministry of Housing and Urban Affairs on or before 15 February 2023. The suggestions shall be duly taken into account while preparing the final version of Part 'A' which is proposed to be uniform across the country and Part 'B' which would take into account the situational variations in each State.
- 4 The *Amicus Curiae* also states that three States, namely, Haryana, Tamil Nadu and Nagaland have raised certain specific issues which will also be taken into account. Counsel for the State of Maharashtra states that the State shall also submit its suggestions, if any.

- 5 The industry associations are at liberty to furnish their suggestions to the Union Ministry of Housing and Urban Affairs.
- 6 List the Petitions on 24 February 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR