

ITEM NO.301

REVISED
COURT NO.11

SECTION XVII

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). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH

I.A. NOS. 163357/2018-CLARIFICATION/DIRECTION,
 185446/2018-INTERVENTION/IMPLEADMENT
 185448/2018-EXEMPTION FROM FILING O.T.,
 185449/2018-EXTENSION OF TIME,
 16860/2019-INTERVENTION/IMPLEADMENT,
 24639/2019-INTERVENTION/IMPLEADMENT,
 24645/2019-INTERVENTION/IMPLEADMENT,
 29729/2019-INTERVENTION/IMPLEADMENT,
 70267/2019-INTERVENTION/IMPLEADMENT,
 76037/2019-INTERVENTION/IMPLEADMENT,
 76050/2019-CLARIFICATION/DIRECTION,
 76055/2019-APPLICATION FOR PERMISSION.

WITH

SLP(C) No. 9572/2007 (XI)
 FOR ON IA 1/2007
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013
 FOR EXEMPTION FROM FILING O.T. ON IA 12/2013
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 11/2013
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016
 FOR CLARIFICATION/DIRECTION ON IA 35051/2019)

C.A. No. 11108/2016 (XVII)

I.A. NO. 2/2016-APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS.

I.A. NO. 8196/2019- APPROPRIATE ORDERS/DIRECTIONS.

I.A. NO. 168352/2018- APPROPRIATE ORDERS

I.A. NO. 86487/2018- CLARIFICATION/DIRECTION

I.A. NO. 148794/2018-CLARIFICATION/DIRECTION

I.A. NO. 106354/2018-CLARIFICATION/DIRECTION

I.A. NO. 86494/2018-CLARIFICATION/DIRECTION

I.A. NO. 86492/2018- INTERVENTION APPLICATION

I.A. NO. 148790/2018-INTERVENTION APPLICATION

I.A. NO. 106352/2018- INTERVENTION APPLICATION

I.A. NO. 6125/2019-INTERVENTION APPLICATION

C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PER

C.A. No. 2511-2526/2017 (XVII)

S.L.P. (C) ...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

I.A. ;NO. 53934/2017- CLARIFICATION/DIRECTION

C.A. No. 5674/2017 (XVII)

C.A. No. 9391-9404/2017 (XVII)

I.A. NO. 60512/2017-APPROPRIATE ORDERS/DIRECTIONS

I.A. NO. 98431/2017- INTERVENTION/IMPLEADMENT

C.A. No. 15493/2017 (XVII)

SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
 CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER

IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION

IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 29029/2018 - CLARIFICATION/DIRECTION
IA No. 45689/2018 - CLARIFICATION/DIRECTION
IA No. 72035/2018 - CLARIFICATION/DIRECTION
IA No. 148645/2018 - CLARIFICATION/DIRECTION
IA No. 165205/2018 - CLARIFICATION/DIRECTION
IA No. 31376/2019 - CLARIFICATION/DIRECTION
IA No. 368/2018 - CLARIFICATION/DIRECTION
IA No. 43789/2018 - CLARIFICATION/DIRECTION
IA No. 63414/2018 - CLARIFICATION/DIRECTION
IA No. 72149/2018 - CLARIFICATION/DIRECTION
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IA No. 15024/2018 - INTERVENTION APPLICATION
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IA No. 129870/2018 - INTERVENTION/IMPLEADMENT
IA No. 107191/2017 - INTERVENTION/IMPLEADMENT

IA No. 122885/2017 - INTERVENTION/IMPLEADMENT
 IA No. 176545/2018 - MODIFICATION
 IA No. 176528/2018 - MODIFICATION
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT
 CERTIFIED/PLAIN COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE

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)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018)

C.A. No. 16858/2017 (XVII)
 IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT

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 REFILING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)

C.A. No. 3727/2018 (XVII)
 I.A. NO. 41952/2018- APPROPRIATE ORDERS/DIRECTIONS

C.A. No. 6837-6838/2018 (XVII)
 I.A. NO. 82490/2018- EX-PARTE INTERIM DIRECTION

SLP(C) No. 12667/2018 (XVII)
 I.A. NO. 127173/2018- CLARIFICATION/DIRECTION
 I.A. NO. 127169/2018- INTERVENTION/IMPLEADMENT.

Diary No(s). 20540/2018 (XVII)
 I.A. NO. 104957/2018- CONDONATION OF DELAY IN FILING APPEAL
 I.A. NO. 104958/2018- CONDONATION OF DELAY IN REFILING.

C.A. No. 8524/2018 (XVII)
 I.A. NO. 111987/2018- CLARIFICATION/DIRECTION

C.A. No. 10609/2018 (XVII)

SLP(C) No. 30270/2018 (XVII)

Diary No(s). 40477/2018 (XVII)
 I.A. NO. 168356/2018- APPROPRIATE ORDERS/DIRECTIONS
 I.A. NO. 168354/2018-CONDONATION OF DELAY IN FILING
 I.A. NO. 16855/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

W.P. (C) No. 51/2019 (X)
 I.A. NO. 8597/2019- CLARIFICATION/DIRECTION.

Diary No(s). 1380/2019 (XVII)
 I.A. NO. 14639/2019- CONDONATION OF DELAY IN FILING
 I.A. NO. 14640/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

Diary No(s). 4454/2019 (XVII)
 I.A. NO. 30656/2019- CONDONATION OF DELAY IN FILING
 I.A. NO. 30657/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

C.A. No. 3236/2019 (XVII)

C.A. No. 3269/2019 (XVII)
 I.A. NO. 51514/2019-APPROPRIATE ORDERS/DIRECTIONS.

C.A. No. 3935/2019 (XVII)
 (FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII)
 I.A. NO. 68265/2019-APPROPRIATE ORDERS/DIRECTIONS.
 I.A. NO. 68264/2019-CONDONATION OF DELAY IN FILING APPEAL.

Diary No(s). 13969/2019 (XVII)
 (FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY
 IN FILING)

Date : 09-05-2019 These matters were called on for hearing today.

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

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

During the course of hearing, Mr. Paranjape and Mr. Nitin Talwar have appeared on behalf of the forensic auditors, M/s. Grant Thornton. They have furnished to the Court a status update of the forensic audit of Unitech Limited which is being carried out by them. The status report contains the preliminary observations of the Auditors particularly on the following aspects:

- (i) The extent of cooperation extended to them by the management and officials of Unitech Limited;
 - (ii) Review of electronic information furnished by the present and former officials including the Chief Financial Officer;
 - (iii) Availability of bank account statements; and
 - (iv) Availability of financial and operational records.
- Besides this, the status report has indicated preliminary observations on the analysis of the money trail.

The status report makes it evident that the forensic auditors have not been provided with complete recourse to the electronic records including those which were in the possession and custody of the Chief Financial Officer(s). In the absence of a complete availability of the electronic

records to the forensic auditors, their task has been severely undermined and obstructed. As a consequence, effective implementation of the order which had been passed by this Court for undertaking a forensic audit has been thwarted. We appreciate the difficulties which are being faced by the forensic auditors and the earnest efforts which have been made by them to provide as complete a picture as possible on the basis of the available records. Mr. Nitin Talwar, representing M/s. Grant Thornton has apprised the Court that since January 2019, he, together with his team of personnel, has been stationed only for completing the assignment which has been entrusted by the Court.

In the course of the earlier proceedings, this Court had made available certain facilities to Shri Sanjay Chandra and Ajay Chandra, Directors of M/s. Unitech Limited, who are presently lodged in Tihar Jail. The facilities which have been granted to the aforesaid two Directors shall stand revoked forthwith. They shall not be entitled to any additional facilities apart from those which are available in the normal course in terms of the Jail Manual. This direction shall take effect immediately. A copy of the present order shall be forwarded by the Registrar(Judicial) to the Jail Superintendent of Tihar Central Jail.

In the present state of affairs, the Court may be left

with no alternative but to now entrust the investigation of the case to the Central Bureau of Investigation.

In addition, it has become necessary to request the learned Attorney General for India to render his assistance to the Court with a view to explore whether the entire process of completing the unfinished construction projects as well as the management of the company can be suitably taken over and entrusted to an agency to be nominated by the union Government so as to fulfill the obligations due to the home buyers. The home buyers who have invested their life saving have been left in the lurch. We would request the learned Attorney General for India to assist the Court on this aspect of the matter.

We also direct, in the meantime, that sixty seven banks to whom a request has been made by the forensic auditors for providing bank statements shall do so within a period of two weeks from the date of receipt of this order.

We grant one final indulgence, in the meantime, to the Directors and the present Chief Financial Officer of Unitech Ltd. to comply with all the requisitions which may be submitted by the forensic auditors. The forensic auditors are requested to communicate their requisitions not later than by 06.00 p.m. tomorrow. These requisitions shall be complied with within a period of two weeks from today.

We would appreciate if the learned Attorney General for India can convene a meeting at an appropriate senior level of the union Government to apprise the Court of the course of action which the Government would seek to pursue, to tide over the difficult situation in which the home buyers have been placed and to protect the interests of all stakeholders.

A copy of this order may be communicated to the learned Attorney General for India by learned Amicus Curiae.

List the matters on 05 July 2019 at 02.00 p.m.

This order shall not, in any manner, affect the existing assignment which has been entrusted to M/s. Grant Thornton who shall continue with the work.

Learned Amicus Curiae is directed to disburse payment against the invoice submitted by Grant Thornton on 11 April 2019 a copy of which is annexed with the Status report submitted by the Amicus Curiae on 09 May 2019. The amount may be released by the Registry from out of the interest which has accrued.

The learned Amicus Curiae has drawn the attention of the Court to the E-Auction notice issued on behalf of the Municipal Corporation, Gurgaon under Section 130 of the Haryana Municipal Corporation Act, 1994. The properties at

serial nos. 31,32, and 36 listed out in the auction notice belong to Unitech Ltd. or its subsidiaries. The auction of the above three properties is stayed till the next date of the listing of the matters.

Issue notice to the Municipal Corporation, Gurgaon, returnable on 05 July 2019.

Learned Amicus Curiae is granted permission to open the Web Portal for two weeks so as to give an opportunity to home buyers who have been left out and who have decrees or adjudicatory orders in their favour. A separate section shall be opened on the Web Portal in order to enable the ex-employees to lodge claims.

An amount of Rs. 5,00,000/- (Rupees Five Lakhs only) shall be disbursed to the Amicus Curiae on account of the expenses incurred for the purposes of the Web Portal and other allied expenses.

On the request of the learned counsel appearing on behalf of the EPFO, we clarify that the direction which has been issued by this Court imposing a restraint on coercive steps shall not come in the way of the appropriate court or, as the case may be, authority imposing such conditions, if any, contemplated under the law while seeking recourse to remedies.

Crl.M.P. Nos. 78607/2019 & 78609/2019

Taken on Board.

No change of circumstances made out.

We see no reason to entertain these Criminal Miscellaneous Petitions. The Criminal Miscellaneous Petitions are dismissed.

(ASHWANI KUMAR)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.301

COURT NO.11

SECTION XVII

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)

WITH

I.A. NOS. 163357/2018-CLARIFICATION/DIRECTION,
185446/2018-INTERVENTION/IMPLEADMENT
185448/2018-EXEMPTION FROM FILING O.T.,
185449/2018-EXTENSION OF TIME,
16860/2019-INTERVENTION/IMPLEADMENT,
24639/2019-INTERVENTION/IMPLEADMENT,
24645/2019-INTERVENTION/IMPLEADMENT,
29729/2019-INTERVENTION/IMPLEADMENT,
70267/2019-INTERVENTION/IMPLEADMENT,
76037/2019-INTERVENTION/IMPLEADMENT,
76050/2019-CLARIFICATION/DIRECTION,
76055/2019-APPLICATION FOR PERMISSION.

WITH

SLP(C) No. 9572/2007 (XI)
(N.M.D.

FOR ON IA 1/2007

FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011

FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013

FOR EXEMPTION FROM FILING O.T. ON IA 12/2013

FOR [PERMISSION TO FILE ANNEXURES] ON IA 11/2013

FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016

FOR CLARIFICATION/DIRECTION ON IA 35051/2019)

C.A. No. 11108/2016 (XVII)

I.A. NO. 2/2016-APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS.

I.A. NO. 8196/2019- APPROPRIATE ORDERS/DIRECTIONS.

I.A. NO. 168352/2018- APPROPRIATE ORDERS

I.A. NO. 86487/2018- CLARIFICATION/DIRECTION

I.A. NO. 148794/2018-CLARIFICATION/DIRECTION

I.A. NO. 106354/2018-CLARIFICATION/DIRECTION

I.A. NO. 86494/2018-CLARIFICATION/DIRECTION

I.A. NO. 86492/2018- INTERVENTION APPLICATION

I.A. NO. 148790/2018-INTERVENTION APPLICATION

I.A. NO. 106352/2018- INTERVENTION APPLICATION

I.A. NO. 6125/2019-INTERVENTION APPLICATION

C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION
 IA No. 23396/2018 - CLARIFICATION/DIRECTION
 IA No. 29665/2019 - CLARIFICATION/DIRECTION
 IA No. 138022/2018 - CLARIFICATION/DIRECTION
 IA No. 74496/2019 - CLARIFICATION/DIRECTION
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.
 IA No. 89520/2018 - I.A. FOR DIRECTION
 IA No. 49108/2018 - INTERVENTION APPLICATION
 IA No. 129613/2018 - INTERVENTION APPLICATION
 IA No. 117001/2018 - INTERVENTION APPLICATION
 IA No. 29804/2019 - INTERVENTION APPLICATION
 IA No. 86677/2018 - INTERVENTION APPLICATION
 IA No. 66018/2018 - INTERVENTION APPLICATION
 IA No. 138019/2018 - INTERVENTION APPLICATION
 IA No. 51916/2019 - INTERVENTION APPLICATION
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT
 IA No. 2/2016 - PER

C.A. No. 2511-2526/2017 (XVII)

S.L.P. (C) ...CC No. 5129-5130/2017 (XIV)

C.A. No. 5174-5181/2017 (XVII)

I.A. ;NO. 53934/2017- CLARIFICATION/DIRECTION

C.A. No. 5674/2017 (XVII)

C.A. No. 9391-9404/2017 (XVII)

I.A. NO. 60512/2017-APPROPRIATE ORDERS/DIRECTIONS

I.A. NO. 98431/2017- INTERVENTION/IMPLEADMENT

C.A. No. 15493/2017 (XVII)

SLP(Crl) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING
 CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER

IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION

IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 29029/2018 - CLARIFICATION/DIRECTION
IA No. 45689/2018 - CLARIFICATION/DIRECTION
IA No. 72035/2018 - CLARIFICATION/DIRECTION
IA No. 148645/2018 - CLARIFICATION/DIRECTION
IA No. 165205/2018 - CLARIFICATION/DIRECTION
IA No. 31376/2019 - CLARIFICATION/DIRECTION
IA No. 368/2018 - CLARIFICATION/DIRECTION
IA No. 43789/2018 - CLARIFICATION/DIRECTION
IA No. 63414/2018 - CLARIFICATION/DIRECTION
IA No. 72149/2018 - CLARIFICATION/DIRECTION
IA No. 97616/2018 - CLARIFICATION/DIRECTION
IA No. 86305/2017 - CLARIFICATION/DIRECTION
IA No. 115433/2018 - CLARIFICATION/DIRECTION
IA No. 121642/2017 - CLARIFICATION/DIRECTION
IA No. 137522/2017 - CLARIFICATION/DIRECTION
IA No. 137547/2017 - CLARIFICATION/DIRECTION
IA No. 26582/2018 - CLARIFICATION/DIRECTION
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IA No. 107191/2017 - INTERVENTION/IMPLEADMENT

IA No. 122885/2017 - INTERVENTION/IMPLEADMENT
 IA No. 176545/2018 - MODIFICATION
 IA No. 176528/2018 - MODIFICATION
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT
 CERTIFIED/PLAIN COPY OF IMPUGNED ORDER
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
 FACTS
 IA No. 72068/2018 - RECALLING THE COURTS ORDER
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE

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)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
 94577/2017
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 94736/2017
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018
 FOR impleading party ON IA 55457/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018
 FOR impleading party ON IA 93352/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018
 FOR impleading party ON IA 94782/2018

FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018
 FOR impleading party ON IA 94844/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018
 FOR impleading party ON IA 116810/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018)

C.A. No. 16858/2017 (XVII)
 IA No. 101622/2018 - CLARIFICATION/DIRECTION
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT

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 REFILING and IA
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 30997/2017 (XVII)

C.A. No. 3727/2018 (XVII)
 I.A. NO. 41952/2018- APPROPRIATE ORDERS/DIRECTIONS

C.A. No. 6837-6838/2018 (XVII)
 I.A. NO. 82490/2018- EX-PARTE INTERIM DIRECTION

SLP(C) No. 12667/2018 (XVII)
 I.A. NO. 127173/2018- CLARIFICATION/DIRECTION
 I.A. NO. 127169/2018- INTERVENTION/IMPLEADMENT.

Diary No(s). 20540/2018 (XVII)
 I.A. NO. 104957/2018- CONDONATION OF DELAY IN FILING APPEAL
 I.A. NO. 104958/2018- CONDONATION OF DELAY IN REFILING.

C.A. No. 8524/2018 (XVII)
 I.A. NO. 111987/2018- CLARIFICATION/DIRECTION

C.A. No. 10609/2018 (XVII)

SLP(C) No. 30270/2018 (XVII)

Diary No(s). 40477/2018 (XVII)
 I.A. NO. 168356/2018- APPROPRIATE ORDERS/DIRECTIONS
 I.A. NO. 168354/2018-CONDONATION OF DELAY IN FILING
 I.A. NO. 16855/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT.

W.P. (C) No. 51/2019 (X)
 I.A. NO. 8597/2019- CLARIFICATION/DIRECTION.

Diary No(s). 1380/2019 (XVII)
 I.A. NO. 14639/2019- CONDONATION OF DELAY IN FILING
 I.A. NO. 14640/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT.

Diary No(s). 4454/2019 (XVII)
 I.A. NO. 30656/2019- CONDONATION OF DELAY IN FILING
 I.A. NO. 30657/2019- EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT.

C.A. No. 3236/2019 (XVII)

C.A. No. 3269/2019 (XVII)
 I.A. NO. 51514/2019-APPROPRIATE ORDERS/DIRECTIONS.

C.A. No. 3935/2019 (XVII)
 (FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION)

Diary No(s). 13860/2019 (XVII)
 I.A. NO. 68265/2019-APPROPRIATE ORDERS/DIRECTIONS.
 I.A. NO. 68264/2019-CONDONATION OF DELAY IN FILING APPEAL.

Diary No(s). 13969/2019 (XVII)
 (FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY IN FILING)

Date : 09-05-2019 These matters were called on for hearing today.

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

During the course of hearing, Mr. Paranjape and Mr. Nitin Talwar have appeared on behalf of the forensic auditors, M/s. Grant Thornton. They have furnished to the Court a status update of the forensic audit of Unitech Limited which is being carried out by them. The status report contains the preliminary observations of the Auditors particularly on the following aspects:

- (i) The extent of cooperation extended to them by the management and officials of Unitech Limited;
 - (ii) Review of electronic information furnished by the present and former officials including the Chief Financial Officer;
 - (iii) Availability of bank account statements; and
 - (iv) Availability of financial and operational records.
- Besides this, the status report has indicated preliminary observations on the analysis of the money trail.

The status report makes it evident that the forensic auditors have not been provided with complete recourse to the electronic records including those which were in the possession and custody of the Chief Financial Officer(s). In the absence of a complete availability of the electronic

records to the forensic auditors, their task has been severely undermined and obstructed. As a consequence, effective implementation of the order which had been passed by this Court for undertaking a forensic audit has been thwarted. We appreciate the difficulties which are being faced by the forensic auditors and the earnest efforts which have been made by them to provide as complete a picture as possible on the basis of the available records. Mr. Nitin Talwar, representing M/s. Grant Thornton has apprised the Court that since January 2019, he, together with his team of personnel, has been stationed only for completing the assignment which has been entrusted by the Court.

In the course of the earlier proceedings, this Court had made available certain facilities to Shri Sanjay Chandra and Ajay Chandra, Directors of M/s. Unitech Limited, who are presently lodged in Tihar Jail. The facilities which have been granted to the aforesaid two Directors shall stand revoked forthwith. They shall not be entitled to any additional facilities apart from those which are available in the normal course in terms of the Jail Manual. This direction shall take effect immediately. A copy of the present order shall be forwarded by the Registrar(Judicial) to the Jail Superintendent of Tihar Central Jail.

In the present state of affairs, the Court may be left

with no alternative but to now entrust the investigation of the case to the Central Bureau of Investigation.

In addition, it has become necessary to request the learned Attorney General for India to render his assistance to the Court with a view to explore whether the entire process of completing the unfinished construction projects as well as the management of the company can be suitably taken over and entrusted to an agency to be nominated by the union Government so as to fulfill the obligations due to the home buyers. The home buyers who have invested their life saving have been left in the lurch. We would request the learned Attorney General for India to assist the Court on this aspect of the matter.

We also direct, in the meantime, that sixty seven banks to whom a request has been made by the forensic auditors for providing bank statements shall do so within a period of two weeks from the date of receipt of this order.

We grant one final indulgence, in the meantime, to the Directors and the present Chief Financial Officer of Unitech Ltd. to comply with all the requisitions which may be submitted by the forensic auditors. The forensic auditors are requested to communicate their requisitions not later than by 06.00 p.m. tomorrow. These requisitions shall be complied with within a period of two weeks from today.

We would appreciate if the learned Attorney General for India can convene a meeting at an appropriate senior level of the union Government to apprise the Court of the course of action which the Government would seek to pursue, to tide over the difficult situation in which the home buyers have been placed and to protect the interests of all stakeholders.

A copy of this order may be communicated to the learned Attorney General for India by learned Amicus Curiae.

List the matters on 05 July 2019 at 02.00 p.m.

This order shall not, in any manner, affect the existing assignment which has been entrusted to M/s. Grant Thornton who shall continue with the work.

Learned Amicus Curiae is directed to disburse payment against the invoice submitted by Grant Thornton on 11 April 2019 a copy of which is annexed with the Status report submitted by the Amicus Curiae on 09 May 2019. The amount may be released by the Registry from out of the interest which has accrued.

The learned Amicus Curiae has drawn the attention of the Court to the E-Auction notice issued on behalf of the Municipal Corporation, Gurgaon under Section 130 of the Haryana Municipal Corporation Act, 1994. The properties at

serial nos. 31,32, and 36 listed out in the auction notice belong to Unitech Ltd. or its subsidiaries. The auction of the above three properties is stayed till the next date of the listing of the matters.

Issue notice to the Municipal Corporation, Gurgaon, returnable on 05 July 2019.

Learned Amicus Curiae is granted permission to open the Web Portal for two weeks so as to give an opportunity to home buyers who have been left out and who have decrees or adjudicatory orders in their favour. A separate section shall be opened on the Web Portal in order to enable the ex-employees to lodge claims.

An amount of Rs. 5,00,000/- (Rupees Five Lakhs only) shall be disbursed to the Amicus Curiae on account of the expenses incurred for the purposes of the Web Portal and other allied expenses.

On the request of the learned counsel appearing on behalf of the EPFO, we clarify that the direction which has been issued by this Court imposing a restraint on coercive steps shall not come in the way of the appropriate court or, as the case may be, authority imposing such conditions, if any, contemplated under the law while seeking recourse to remedies.

Crl.M.P. No. 72607/2019

Taken on Board.

No change of circumstances made out.

We see no reason to entertain this Criminal Miscellaneous
Petition. The Criminal Miscellaneous Petition is dismissed.

(ASHWANI KUMAR)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER