

ITEM NO.301

COURT NO.1

SECTION XVII-A

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 IA No. 50683/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 172303/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 68319/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 100079/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 29516/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 12105/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 97388/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 96264/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 77813/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 152952/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 80954/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 50706/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 77795/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 104016/2021 - CLARIFICATION/DIRECTION, IA No. 70286/2020 - CLARIFICATION/DIRECTION, IA No. 104097/2021 - CLARIFICATION/DIRECTION, IA No. 174136/2022 - CLARIFICATION/DIRECTION, IA No. 134992/2020 - EARLY HEARING APPLICATION, IA No. 103121/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 104094/2021 - INTERVENTION APPLICATION, IA No. 77794/2022 - INTERVENTION APPLICATION, IA No. 79304/2020 - INTERVENTION APPLICATION, IA No. 104012/2021 - INTERVENTION APPLICATION, IA No. 70271/2020 - INTERVENTION APPLICATION, IA No. 81090/2020 - INTERVENTION APPLICATION, IA No. 77802/2022 - INTERVENTION APPLICATION, IA No. 80947/2020 - INTERVENTION/IMPLEADMENT, IA No. 50704/2021 - INTERVENTION/IMPLEADMENT, IA No. 68334/2022 - INTERVENTION/IMPLEADMENT, IA No. 47795/2021 - INTERVENTION/IMPLEADMENT, IA No. 100070/2021 - INTERVENTION/IMPLEADMENT, IA No. 29514/2022 - INTERVENTION/IMPLEADMENT, IA No. 103115/2022 - INTERVENTION/IMPLEADMENT, IA No. 12103/2020 - INTERVENTION/IMPLEADMENT, IA No. 153005/2021 - INTERVENTION/IMPLEADMENT, IA No. 100828/2019 - INTERVENTION/IMPLEADMENT, IA No. 96157/2021 - INTERVENTION/IMPLEADMENT, IA No. 172293/2022 - MODIFICATION OF COURT ORDER, IA No. 172305/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH

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

(WITH IA No. 85172/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.

118046/2018 - CLARIFICATION/DIRECTION, IA No. 83361/2020 -
INTERVENTION APPLICATION)

Date : 01-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, AOR (Amicus Curiae)
Mr. Varun K. Chopra, Adv.

For Appellant(s)

Mr. Kamal Kumar Pandey, Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. Kumar Kartikay, Adv.
Ms. Neelu Sharma, Adv.
Mr. Kartik Hooda, Adv.
Ms. Rubi Kumari, Adv.
Ms. Urvashi Sharma, Adv.
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.
Mr. Abhishek S More, Adv.
Mr. Nitin V Nagar, Adv.
Mr. Sourabh Tandon, Adv.

Mr. N. Venkataraman, A.S.G.
Ms. Anubha Agrawal, AOR

For Respondent(s)

Mr. N. Venkataraman, A.S.G.
Ms. Anubha Agrawal, AOR

Ms. Madhavi Divan, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Shraddha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Nidhi Khanna, Adv.
Mr. Vishesh Kalra, Adv.

Mrs. Madhavi Divan, A.S.G.
Mr. K M Natraj, A.S.G.
Mr. Ayush Puri, Adv.
Mr. Praveena Gautam, Adv.
Mrs. Ruchi Kohli, Adv.
Mr. Siddhant Kohli, Adv.
Mrs. Nidhi Khanna, Adv.

Mr. Sughosh Subramaniam, Adv.
Mr. Santosh Kumar, Adv.
Mrs. Alka Agarwal, Adv.
Mr. Raj Bahadur Yadav, AOR

Ms. Madhavi Divan, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Shradha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Nidhi Khanna, Adv.
Mr. Vishesh Kalra, Adv.

Mr. Pawanshree Agrawal, AOR
Ms. Varun K. Chopra, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B. K. Satija, A.A.G.
Mr. Arshad Ali, Adv.
Mr. Himanshu Satija, Adv.
Mr. Sanjay Kumar Visen, AOR

Ms. Priitha Sri Kumar, AOR

Mr. Brijesh Kumar Tamber, AOR
Mr. Yashu Rustogi, Adv.

Mr. Sanjay Jain, AOR

Mr. Ashwani Garg, Adv.
Mr. Vijay Kumar, AOR

Mr. Udayaditya Banerjee, AOR
Ms. Rashi Bansal, AOR
Mr. M. M. Kashyap, AOR
Mr. Sumit R. Sharma, AOR
Mr. P. V. Yogeswaran, AOR
Mrs. Geetha Kovilan, AOR

Mr. Syed Jafar Alam, AOR

Mr. A K Shrivastava, Sr. Adv.
Mr. Akshat Shrivastava, AOR
Mr. Inderjeet Yadav, Adv.
Mr. Satvic Mathur, Adv.
Mr. Vinod Prasad, Adv.
Mrs. Pooja Shrivastava, Adv.

Mr. Yadav Narendra Singh, AOR

Ms. Kamakshi S. Mehlwal, AOR
Ms. Pinky Behera, Adv.

Ms. Geetanjali Mehlwal, Adv.
Mr. Abhik Kumar, Adv.
Mr. Sanveer Mehlwal, Adv.

Dr. Harish Uppal, Adv.
Mr. Tileshwar Prasad, Adv.
Mr. Vikas Mehta, AOR

Ms. Filza Moonis, AOR

Mr. Bijoy Kumar Jain, AOR
Mr. Chandra Bhushan Prasad, AOR

Mr. Atul Sharma, Adv.
Ms. Himanshi Rajput, Adv.
Mr. Abhishek Agarwal, AOR

M/S. Devasa & Co., AOR
Mr. Preshit Vilas Surshe, AOR
Mrs. Geetha Kovilan, AOR

Mr. Mohit Paul, AOR
Ms. Rangoli Seth, Adv.
Ms. Muskan Nagpal, Adv.

Mr. Ashwani Kumar, AOR
Mr. Anshay Dhatwalia, Adv.

M/S. Udit Kishan And Associates, AOR

Mr. D. S. Chauhan, AOR
Ms. Ruchi Singh, Adv.
Ms. Simran Gill, Adv.
Mr. Prashant Kumar, Adv.

Mr. Abhay Anand Jena, AOR
Ms. Liz Mathew, AOR

Mr. Shantanu Sagar, AOR
Mr. Prabhat Ranjan Raj, Adv.
Mr. Sidharth Sarthi, Adv.
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.

Mr. Sonal Jain, AOR
Ms. Jaikriti S. Jadeja, AOR
Mr. Jatin Zaveri, AOR
Ms. Rashi Bansal, AOR
Mr. Mohit D. Ram, AOR
Mr. Archit Upadhayay, AOR
Ms. Mumtaz Bhalla, AOR
Dr. Vinod Kumar Tewari, AOR

Ms. Priyanjali Singh, AOR

Petitioner-in-person, AOR

Mr. Arvind Kumar Tewari, AOR

Dr. K.S. Chauhan, Sr. Adv.

Mr. Ajit Kumar Ekka, AOR

Mr. Murari Lal, Adv.

Mr. S.P. Singh, Adv.

Mr. R.S.M. Kalky, Adv.

Dr. Elumalai, Adv.

Mr. S. K. Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Ankur S. Kulkarni, AOR

Ms. Uditha Chakravarthy, Adv.

Mr. Umang Shankar, AOR

Mr. Abhinav Shrivastava, AOR

Mr. Vineet Bhagat, AOR

Ms. Manju Bhagat, Adv.

Mr. Aksveer Singh Saggu, Adv.

Ms. Bharti Tyagi, AOR

Mr. Rajat Sehgal, AOR

Mr. Siddhant Sharma, Adv.

Mr. Karan Bharihoke, AOR

Mr. Arjun Singh Bhati, AOR

Mr. Prashant Vaxish, Adv.

Ms. Manisha Ambwani, AOR

Mr. Arvind Gupta, AOR

Mr. Sudhansu Palo, AOR

Mr. Nikilesh Ramachandran, AOR

Mr. Gaurav Goel, AOR

Mr. Amit Shrivastava, AOR

Mr. Rohit Amit Sthalekar, AOR

Mr. Sudhir Kulshreshtha, AOR

Mr. Sameer Kulshreshtha, Adv.

Mr. Jinendra Jain, AOR

Mr. Gyan Prakash Srivastava, AOR

Mr. Divyesh Pratap Singh, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Vikram Hegde, Adv.
Ms. Hima Lawrence, AOR
Mr. Abhinav Hansaraman, Adv.

Mr. Vivek Gupta, AOR

Mr. Pushpraj Singh, Adv.
Mr. Gp. Capt. Karan Singh Bhati, AOR

Ms. Shagun Matta, AOR
Mr. Sachin Patil, AOR
Mr. Neeraj Shekhar, AOR
Mr. Vipin Kumar Jai, AOR
Mr. V. K. Monga, AOR
Mr. Dhruv Tamta, AOR
Mr. Senthil Jagadeesan, AOR
Mr. Atishi Dipankar, AOR
Ms. Amrita Sarkar, AOR
Mr. Rahul Kaushik, AOR
Mr. Nikhil Swami, AOR
Mr. Avinash Sharma, AOR
Mrs. Anil Katiyar, AOR
Mr. S. K. Verma, AOR
Ms. Madhurima Tatia, AOR

Mr. Siddharth Batra, AOR
Ms. Shivani Chawla, Adv.
Mr. Chinmay Dubey, Adv.
Mr. Rhythm Katyal, Adv.
Mr. Ashutosh Chugh, Adv.
Mr. Kunal Yograj Verma, Adv.

Ms. Rohini Prasad, AOR
Mr. A. Venayagam Balan, AOR

Mr. Devendra Singh, AOR
Mr. Karan Thakur, Adv.
Mr. Vijay Kumar Singh, Adv.
Mr. Sukesh Kumar Mishra, Adv.
Mr. Ashish Sheoran, Adv.

Mr. Ashish Virmani, AOR
Mr. Milind Kumar, AOR
Mr. Abhinav, AOR
Mrs. Pragya Baghel, AOR
Mr. Bharat Bhushan, AOR

Mr. Tapes Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

Mr. Rajesh Kumar, AOR
Mr. Abhay Kumar, AOR

Applicant-in-person, AOR
 Mr. M. P. Devanath, AOR
 Ms. Divya Roy, AOR
 M/S. Av Global Chambers, AOR
 Mr. Aditya Singh, AOR
 Mrs. Swarupama Chaturvedi, AOR

Mr. Rabin Majumder, AOR
 Ms. Manju Jetley, AOR
 Mr. B. Krishna Prasad, AOR

Mr. V Chitambresh, Sr. Adv.
 Mr. Abhay Singh, Adv.
 Ms. Ankita Agarwal, Adv.
 Ms. Sonal Gupta, Adv.
 Mr. Kaustubh Shukla, AOR

Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Mr. Akhil Abraham Roy, Adv.
 M/S. K J John And Co, AOR

Mr. Zain Khan, Adv.
 Ms. Tulika Mukherjee, AOR

Mr. Tathagat, Adv.
 Mr. Siddhartha Sinha, AOR
 Mr. Nring Chamwibo Zeliang, Adv.
 Mr. Kunal Soni, Adv.

Mr. P. K. Jain, AOR

Mr. T. N. Singh, AOR
 Mr. Vikas Kumar Singh, Adv.
 Ms. Rajshree Singh, Adv.
 Mr. Vikram Singh, Adv.
 Mr. Sham Chand, Adv.

Mr. Kaushik Poddar, AOR
 Ms. Manjula Gupta, AOR
 Ms. Charu Mathur, AOR
 Ms. Charu Ambwani, AOR
 Mr. Siddharth, AOR
 Mr. Saurabh Ajay Gupta, AOR
 Ms. Sunieta Ojha, AOR
 Mr. Shashank Manish, AOR
 Mr. E. C. Agrawala, AOR
 Mr. Tushar Singh, AOR

Mr. Vikram Hegde, Adv.
 Ms. Hima Lawrence, AOR
 Mr. Abhinav Hansaraman, Adv.

Ms. Astha Tyagi, AOR

Mrs. Mrinal Elker Mazumdar, AOR

Mr. Saurabh Singh, Adv.

Ms. Aarushi Gupta, Adv.

Ms. Awantika Manohar, AOR

Mr. D. Abhinav Rao, AOR

Mr. Praveen Agrawal, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Prithvi Pal, AOR

Mr. Shashibhushan P. Adgaonkar, AOR

Ms. Preeti Singh, AOR

Mr. Atul Sharma, AOR

Mr. Raj K Pandey, Adv.

Mr. A. Radhakrishnan, AOR

Mr. Divyesh Pratap Singh, AOR

Mr. Kartik Yadav, Adv.

Mr. Parinay T. Vasandani, Adv.

M/S. D.s.k. Legal, AOR

Ms. Anshula Vijay Kumar Grover, AOR

Mr. Ravi Panwar, AOR

Mr. Amit Agrawal, AOR

Mr. Arup Banerjee, AOR

Mr. Prakash Sharma, Adv.

Mr. Jyoti Kumar Singh, Adv.

Mr. Jayant Kumar, Adv.

Mr. Amarnath Gupta, Adv.

Ms. Sampa Sengupta Ray, adv.

Mr. Vishal Arun, AOR

Mr. Rajeev Singh, AOR

Ms. Sujata Kurdukar, AOR

Mr. A K Shrivastava, Sr. Adv.

Mr. Akshat Shrivastava, AOR

Mr. Inderjeet Yadav, Adv.

Mr. Satvic Mathur, Adv.

Mr. Vinod Prasad, Adv.

Mrs. Pooja Shrivastava, Adv.

Mr. Ranjit Kumar Sharma, AOR

Mr. Gagan Gupta, AOR

Ms. Kanishka Lunia, Adv.
Mr. Chandan Kumar, AOR

Mr. Soumya Dutta, AOR
Mr. Vikrant Pachnanda, AOR
Mr. Abhishth Kumar, AOR
Ms. Shruti Agarwal, AOR
Mr. Sunil Fernandes, AOR
Mr. Aman Raj Gandhi, AOR
Mr. Rajan Chawla, AOR
Ms. Neha Sharma, AOR
Mr. Yashraj Singh Bundela , AOR
Mr. Gopal Jha, AOR
Mrs. Kirti Renu Mishra, AOR
M/S. Cyril Amarchand Mangaldas Aor, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Syed Jafar Alam, AOR
Mr. Abhinav Mukerji, AOR
Mrs. B. Sunita Rao, AOR
Mr. Sumit Kumar, AOR

Mr. M.S. Vishnu Sankar, Adv.
Mr. Sriram Parakkat, Adv.
Ms. Athira G. Nair, Adv.
Mr. Aditya Santhosh, Adv.
Mr. Arislal Sainu, Adv.
Mr. Sriram P., AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Braj Kishore Mishra, AOR

Mr. Amit Sibal, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Hancy Maini, Adv.
Ms. Kritika Sachdeva, Adv.

M/S. Karanjawala & Co., AOR
Mr. Sandeep Devashish Das, AOR

Mrs. Madhavi Divan, A.S.G.
Mrs. Shradha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mrs. Nidhi Khanna, Adv.
Mr. Arvind Kumar Sharma, AOR

Mrs. Aarthi Rajan, AOR

Mr. Adeel Ahmed, AOR

Mr. Raja Chatterjee, Adv.
Mr. Piyush Sachdev, Adv.
Mr. Idrish, Adv.

Ms. Rakhi Ray, AOR

Mr. Sureshan P., AOR
Mr. Deepak Joshi, Adv.

Mr. Rajesh Singh, AOR
Mr. Somanatha Padhan, AOR

Mr. Tarun Gupta, AOR
Mr. Abhishek Sharma, Adv.
Mr. Atul Kumar, Adv.
Mr. Yatinder Chaudhary, Adv.
Mr. Davinder Singh Khurana, Adv.
Mr. Manoj Rajpoot, Adv.
Mr. Vikrant, Adv.

Mr. S. R. Setia, AOR
Mr. Vikram Singh, AOR
Mr. Vivek Singh, AOR
Ms. Meera Mathur, AOR
Mr. Rajiv Mehta, AOR
Mr. Nitin Saluja, AOR

Mr. Sanuj Das, Adv.
Mr. P.R. Ramasesh, Adv.
Mr. Ankolekar Gurudatta, AOR
Mr. N.M. Theerthe Gowda, Adv.
Mr. Rajendra Koushik A.c, Adv.

Mr. Kamal Mohan Gupta, AOR

Mr. K.Parameshwar, AOR
Ms. Arti Gupta, Adv.
Ms. Kanti, Adv.

Dr. Ashutosh Garg, AOR
Mr. S. Rajappa, AOR
Mr. Roopansh Purohit, AOR
Mr. T. Mahipal, AOR
Mr. Arjun Harkauli, AOR
Mr. M. R. Shamshad, AOR
Mr. Anirudh Sharma, AOR

Mr. Akshat Kumar, AOR
Mr. D.k. Rustagi, Adv.

Mr. Dipesh Sinha, AOR
Mr. Krishanu Barua, Adv.

Mr. M. P. Vinod, AOR
Mr. Raj Kamal, AOR
Ms. Misha Rohatgi, AOR

Mr. Rajesh Kumar Gautam, AOR
Mr. Anant Gautam, Adv.
Mr. Vidur Ahluwalia, Adv.
Mr. Sumit Sharma, Adv.
Mr. Medhya Ahluwalia, Adv.

Mr. Sarad Kumar Singhanian, AOR
Mr. Ansar Ahmad Chaudhary, AOR
Ms. Madhusmita Bora, AOR
Ms. Aswathi M.k., AOR
Mr. Gaurav Goel, AOR
Mr. Jay Kishor Singh, AOR

Mr. S.. Udaya Kumar Sagar, AOR
Mr. Lakshay Saini, Adv.

Mr. Mayank Goel, AOR
Mr. Roshan Santhalia, AOR

Ms. Harsh Lata, AOR
Mr. Shobhit Jain, Adv.

Mrs. Rachna Gupta, AOR

Mr. A. Karthik, AOR
Mr. Shivi Sanyam, Adv.

Mr. Sunil Kumar Verma, AOR
Mr. Shariq Ahmed, Adv.
Mr. Tariq Ahmed, Adv.

Mr. Manish Kumar Gupta, AOR

Mr. Neeraj Kumar Gupta, AOR
Mr. Ranjeet Kumar Singh, Adv.

Mr. Hrishikesh Baruah, AOR
Ms. Sunieta Ojha, AOR
Mr. Amit Sharma, AOR
Mr. R. C. Kaushik, AOR

Mr. Ujjwal A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
M/S. Gagrat And Co, AOR

Mr. Aakarsh Kamra, AOR
Mr. Siddhartha Jha, AOR

Mr. Somesh Chandra Jha, AOR
Mr. Ashwani Kumar Dubey, AOR

Mr. Kumar Dushyant Singh, AOR
Mr. Shakti Singh Dhakrey, Adv.
Ms. V.thanuja, Adv.
Ms. Subasri Jaganathan, Adv.

Ms. Meera Mathur, AOR

Mr. Rajiv Dutta, Sr. Adv.
Ms. Jasmine Damkewala, AOR

Mr. Pranav Kumar, AOR
Mr. Romy Chacko, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Neha Das, Adv.
Ms. Priyanka Das, Adv.

Ms. Charu Mathur, AOR

Ms. Shobha Gupta, AOR
Ms. Pooja Tripathi, Adv.
Ms. Jessy Kurian, Adv.

Mr. Rameshwar Prasad Goyal, AOR
Mr. J.H. Jafri, Adv.
Mr. Vansh Vashistha, Adv.

Mr. Ravindra Bana, AOR

Mr. Nishit Agrawal, AOR
Mr. Rajiv Ranjan Dwivedi, AOR

Mrs. Gargi Khanna, AOR
Mr. Lalit Khanna, Adv.

Mr. C. K. Sasi, AOR
Mr. Abhishek Kumar Singh, AOR

Mr. Saurabh Upadhyay, Adv.
Mr. Janmejaya Verma, Adv.
Ms. Hardikaa, Adv.
Mr. Vikas Verma, Adv.
Ms. Tavishi Jain, Adv.
Ms. Garima Raisinghani, Adv.
Mr. Vipul Sharma, Adv.
Mr. Sanjay Kumar Tyagi, AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Atul Kumar, AOR

Mr. Utkarsh Sharma, AOR

Mr. Siddhant Dutt, Adv.

Mrs. Kaveri Vats, Adv.

Mr. C. K. Sasi, AOR

Mr. Sushil Kumar Singh, AOR

Mr. Mithu Jain, AOR

M/S. Kmnp Law Aor, AOR

Mr. K. K. Mohan, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Balaji Srinivasan, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. M L Lahoty, Adv.

Mr. Anchit Sripat, Adv.

Mr. Paban Kumar Sharma, Adv.

Mr. Paban K Sharma, Adv.

Mr. Pranab Kumar Nayak, Adv.

Mr. Himanshu Shekhar, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.

Mr. Mayank Grover, Adv.

Mr. Chirag Singla, Adv.

Ms. Aditi Gupta, Adv.

Ms. Mridula Ray Bharadwaj, AOR

Mr. Awanish Kumar, AOR

Mr. Aldanish Rein, AOR

Mr. Kaustubh Anshuraj, AOR

Mr. Krishna Kumar Singh, AOR

Mr. Ashwarya Sinha, AOR

Ms. Priyanka Sinha, Adv.

Ms. Shubhi Sharma, Adv.

Mr. Aditya Malhotra, Adv.

Mr. Dharmendra Kumar Sinha, AOR

Mr. Partha Sil, AOR

Ms. Upasana Nath, AOR

Ms. Rashmi Nandakumar, AOR

Mr. Shantanu Krishna, AOR

Mr. Aneesh Mittal, AOR

Ms. Jyoti Mendiratta, AOR

Mr. Ravi Prakash Mehrotra, Sr. Adv.

Mr. Apoorv Srivastava, Adv.

Mr. Kaushik Choudhury, AOR

Mr. Akarsh Garg, Adv.

Mr. Parth Davar, Adv.

Mr. Chitranshul A. Sinha, Adv.
Mr. Jaskaran Singh Bhatia, Adv.
M/S. Dua Associates, AOR

Mr. Ayush Sharma, AOR
Mr. Vaibhav Kumar, AOR

Mr. Naresh Kumar Khatreja, petitioner-in-person

Mr. Abhay Anil Anturkar, Adv.
Mr. Sartak Mehrotra, Adv.
Ms. Surbhi Kapoor, AOR

Ms. Shwetal Shepal, Adv.
Mr. Siddharath Dharmadhikari, Adv.
Mr. Aaditya A. Pande, AOR
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

Mr. Satinder S. Gulati, Adv.
Mr. Raj Kishor Choudhary, Adv.

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

Re: Noida

- 1 Mr N Venkataraman, Additional Solicitor General, has placed on the record a convenience note for the purpose of the hearing. The note also provides an Action Taken Report.
- 2 The convenience note which has been prepared by the government nominated Board of Unitech indicates that the proposed layout plans for Sectors 96-97-98, 113 and 117 (which are Noida based projects) have been approved by the Board. The home buyers are stated to have indicated their consent to the proposed layout plans in the following manner:
 - (a) In Sector 96-97-98 Noida, 72.76% home buyers have given their consent;
 - (b) In Sector 113 Noida, 67.68% home buyers have given their consent; and

(c) In Sector 117 Noida, 68.15% home buyers have given their consent.

- 3 It has been stated that Unitech is in a position to upload the applications for approval of the revised layout plans, building plans/revised building plans and other statutory applications to Noida within seven working days.
- 4 The relief which has been sought, at this stage, is that Noida may be directed to process the applications for approval of the revised layout plans, building plans and ancillary approvals in a time bound manner without insisting on upfront payment of any dues. At the same time, it has been stated that the current application fees/scrutiny fees shall be paid by Unitech at the time of the submission of the applications.
- 5 In similar circumstances, this Court had passed an order on 27 July 2022 directing the Department of Town and Country Planning, Haryana to dispose of the applications and grant renewals within a period of four weeks without insisting on upfront payment of outstanding dues. However, this Court clarified that the modalities for payment of outstanding dues shall be worked out in consultation, after hearing the Department of Town and Country Planning, Haryana in due course.
- 6 Having regard to the contents of the convenience note submitted by the Additional Solicitor General, it is apparent that a substantial number of home buyers have now expressed their confidence in the proposed construction in the above sectors. At this stage, it would be appropriate if Noida processes the applications for approval of revised layout plans, building plans and ancillary approvals without insisting on upfront payment of dues. However, the Board of Unitech shall pay the current application fees/scrutiny fees as payable in law.

- 7 We defer the issue pertaining to the payment of outstanding dues which shall be determined in due course after due opportunity of hearing to both Noida and the government appointed Board of Unitech. The directions which have been issued to Noida would be subject to the outcome of the pending Special Leave Petition, namely, SLP(C) No 9572 of 2007.

Re: Refund of the FD holders on account of medical emergencies

- 8 As regards the refund to the Fixed Deposit holders on the ground of medical emergencies, Mr Justice A M Sapre has recommended payment to a total of 548 FD holders holding 993 FDRs in the following manner:

- (a) Repayment of full principal amount has been recommended to 510 FD holders; and
- (b) Partial payment of principal has been recommended to 38 FD holders.

- 9 In the above manner, an amount of Rs 13.19 crore would be repaid on medical emergencies to 548 FD holders in terms of the approval granted by Mr Justice A M Sapre.

- 10 The claims which have been duly verified by Mr Justice A M Sapre are permitted to be disbursed in the manner, as suggested, to 548 FD holders.

- 11 The Registry shall accordingly release the amount as certified by the Advocate-on-Record appearing on behalf of the government appointed Board of Unitech. The office report dated 31 January 2023 indicates that an FDR, bearing A/c No 1303-M, is maturing on 5 February 2023. This amount may be adjusted towards payment of the amount to the FD holders. After the disbursement is made, necessary proof of payment shall be filed with the Registry, together with a tabulated statement. The list of 548 FD holders to whom payment is to be

made, together with the corresponding payment against each name, shall be uploaded on the website of Unitech for information.

Re: Web Portal

- 12 During the course of the hearing, certain applicants have sought a direction for re-opening of the web portal since the applicants were unable to submit their claims within time.
- 13 Mr N Venkataraman, on the other hand, submitted that it would be appropriate if the copies of the IAs of such persons, whether home buyers or FD holders, is made available to the Advocate-on-Record for Unitech. After the copies of the IAs are made available to the AOR for Unitech, a considered view can be taken on whether the web portal should be opened any further and, if so, for which period.

Re: Suggestions from home buyers regarding revised payment plan pursuant to order dated 17 August 2022

- 14 Paragraph 5.4 of the convenience note which has been placed on the record by the Additional Solicitor General deals with the queries of the home buyers in regard to the amount which they would be required to pay in terms of the proposed payment plan. The Court is informed that it has been proposed in the Resolution Framework that:

- “(a) Homebuyers’ Units will be delivered at the same rates/price at which they booked their Unites;
- (b) No interest shall be charged from the homebuyers on delayed payments/balance receivables, up to the dates on which payment shall fall due as per the Revised Payment Plan, with no obligation to refund the interest or delayed interest already recovered;

- (c) Management will not be able to pay any delay interest/delay compensation to the home-buyers since it is the endeavour to deliver apartments at the same prices at which they were originally booked, despite manifold rise in cost of construction and multiple rise in market prices of these units."

15 The above information is permitted to be uploaded on the website of Unitech for information of all home buyers. We clarify that any objections on behalf of the home buyers shall be considered separately when the Resolution Plan is taken up for discussion.

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

16 List the following on 9 February 2023 at 3 pm:

- (i) IA No 174136 of 2022
- (ii) Document Nos 45753 of 2021 and 45760 of 2021 (Replies by Petitioner Nos 1 and 2);
- (iii) SLP(C) No 9572 of 2007 [*City Infrastructure India Pvt Ltd vs New Okhla Industrial Development Authority and Others*].
- (iv) Reports submitted by Mr Justice Abhay Manohar Sapre;
- (v) Action Taken Report III, IV, V & VI;
- (vi) Status Report of DG (Prisons);
- (vii) IA No 81090 of 2020 in Civil Appeal No 10856 of 2016;
- (viii) 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;
- (ix) 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;

- (x) IA No 50683 of 2021 in Civil Appeal No 10856 of 2016;
- (xi) IA Nos 77794 and 77795 and 77802 and 77813 of 2022;
- (xii) IA Nos 12103/2020, 12105/2020, 70286/2020, 70271/2020, 134992/2020, 104012/2021, 104016/2021, 104094/2021 and 104097/2021;
- (xiii) IA Nos 83361 of 2020 and 85172 of 2020;
- (xiv) IA No 100828 of 2019 in Civil Appeal No 10856 of 2016;
- (xv) IA Nos 96157 & 96264 of 2021, IA Nos 100070 & 100079 of 2021, IA Nos 153005 & 152952 of 2021, IA Nos 68334 & 68319 of 2022 and IA Nos 103121 & 103115 of 2022

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR