

ITEM NO.1 Court 8 (Video Conferencing)

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). 4986/2018

M/S EMAAR MGF LAND LTD.

Appellant(s)

VERSUS

KUMAR RISHABH & ANR. ETC.

Respondent(s)

IA No. 84538/2018 - CLARIFICATION/DIRECTION

IA No. 77182/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 74386/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA NO.136149/2020 - FOR DIRECTIONS

IA NO.56575/2018- APPLICATION FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA NO.56573/2018- STAY APPLICATION

WITH

C.A. No. 598/2020 (XVII-A)

IA No. 44280/2020 - APPLICATION FOR CONDONATION OF DELAY IN MAKING DEPOSIT WITH AFFIDAVIT

IA No. 3910/2020 - STAY APPLICATION

C.A. No. 596/2020 (XVII-A)

IA No. 44285/2020 - APPLICATION FOR CONDONATION OF DELAY IN MAKING DEPOSIT WITH AFFIDAVIT

IA No. 4141/2020 - STAY APPLICATION

C.A. No. 7738-7739, 7741-7742, 7744-7746 AND 7748-7756/2019

(FOR STAY APPLICATION ON IA 137099/2019 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 140967/2019

IA NO.141063/2019- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

C.A. No. 8474/2019 (XVII-A)

IA No. 184611/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 153422/2019 - STAY APPLICATION)

C.A. No. 8914/2019 (XVII-A)

(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 183071/2019

C.A. No. 3895-3903/2020 (XVII-A)

IA NO.133405 AND 133406/2020- APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING NOTARISED AFFIDAVIT

C.A. No. 3210-3221/2020 (XVII-A)

(IA FOR STAY APPLICATION ON IA 94057/2020

C.A. No. 3691/2020 (XVII-A)
(FOR FOR STAY APPLICATION ON IA 117334/2020 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 117335/2020)

C.A. No. 4987/2018 (XVII-A)
IA No. 74391/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA NO.80470/2018- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA NO.84539/2018-APPROPRIATE DIRECTIONS
IA NO.136422/2020- APPROPRIATE DIRECTIONS
IA NO.56603/2018- STAY APPLICATION

Date : 05-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s)

CA 4986/2018 Mr. Pinaki Mishra, Sr. Adv.
 Mr. Aditya Narain, Adv.
 Mr. Arnab Narain, Adv.
 Mr. Mishra Raj Shekhar, Adv.
 Mr. Kabir Dixit, AOR
CA 4987/2018 Mr. Aditya Narain, Adv.
 Mr. Arnab Narain, Adv.
 Mr. Mishra Raj Shekhar, Adv.
 Mr. Kabir Dixit, AOR

CA No.3895-3903/2020 Mr. Pinaki Mishra, Sr. Adv.
 Mr. Pratap Shanker, Adv.
 Mr. Ankit Kumar, Adv.
 Mr. Swetank Shantanu, AOR

CA 598,596/2020 & 8474/2019 Mr. Pinaki Mishra, Sr. Adv.
 Mr. Sanchar Anand, Adv.
 Mr. Anant Kumar Vatsya, Adv.
 Mr. Shiv Kumar, Adv.
 Mr. Hemant Batra, Adv.
 Mr. Devendra Singh, AOR

CA 8914/2019 Mr. H.D. Thanvi, Adv.
 Ms. Preeti Thanvi, Adv.
 Mr. Rishi Matoliya, AOR

For Respondent(s)

CA 8474/2019 Mr. H.D. Thanvi, Adv.
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Mr. Sourabh Jain, Adv.
 Mr. P. K. Jain, AOR
 Mr. P.K. Goswami, Adv.
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CA 3210-3221/2020 Mr. Ankur Bansal, AOR
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Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Devendra Singh, AOR

Mr. Sameer Abhyankar, AOR
 Mr. Amish Tandon, Adv.
 Mr. Nalin Talwar, Adv.
 Mr. Ayush Beotra, Adv.
 Mr. Varun Tandon, Adv.
 Ms. Ankita Trivedi, Adv.
 Ms. Mohini Priya, AOR

Ms. Ekta Bhasin, Adv.
 Mr. Ashok Mathur, AOR

UPON hearing the counsel the Court made the following

O R D E R

Delay in making the deposit is condoned.

Applications for permission to file additional documents/facts/annexures, exemption from filing notarized affidavit, C/C of the impugned judgment are allowed.

IA No. 84538/2018 - CLARIFICATION/DIRECTION & IA NO.136149/2020 - FOR DIRECTIONS IN CA NO.4986/2018

IA No.184611/2019 - APPROPRIATE ORDERS/DIRECTIONS IN CA NO.8474/2019

IA NO.84539/2018-APPROPRIATE DIRECTIONS & IA NO.136422/2020- APPROPRIATE DIRECTIONS IN CA NO.4987/2018

IA NO.133405/2020- APPLICATIONS FOR DIRECTIONS IN C.A. No. 3895-3903/2020

We have heard learned counsel for parties on the issue of the interim arrangements. We had taken cognizance of the two issues

which arise in the present matter in terms of our order dated 25.11.2020. Insofar as the interim stay directions are concerned, they were passed on 27.04.2018. The result is that we are informed that as on date, out of 45 flats, in respect of 16, possession has been handover over and the dispute stands settled. Learned senior counsel for the appellant(s) states that necessary application will be filed for recording of settlement and consequential directions for those 16 matters.

In respect of 14 flats, possession is stated to have been taken over and the question which would arise would be whether the settlement in the 16 matters can be a template for settling the other matters including these 14 matters.

Insofar as 15 flats are concerned, possession has not been taken over as yet. In this behalf, there appears to be some difference of perception as to what amounts have to be paid considering the damages awarded by the Courts below and the interim orders passed by us. We are of the view that insofar as the payments directed to be made to the respondents is concerned, that can be adjusted against the amounts to be paid by them as an interim measure. The amount lying deposited in Court would not, as an interim measure, form part of this arrangement, and thus, if any more amount is to be paid, in order to take possession that would have to be paid.

We are also informed that some of the buyers are not in India and have some difficulty in coming back from USA and other countries and thus, would require some time to take possession. They may indicate to the appellant(s) as to within how much time

would they be in a position to take possession and there would be no question of any holding charges for this period of time arising out of Covid pandemic.

All interim applications are disposed of in the aforesaid terms.

IN APPEALS

List for directions to ensure that the aforesaid order is complied with and to consider whether the settlements which have already taken place can be templates for settlement of the other matters.

List on a Tuesday, in the second half of February, 2021.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR