

SECTION XVII

MATTER FOR :
COURT NO. :
ITEM NO. :

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6044 of 2015

with

INTERLOCUTORY APPLICATION NOS. 1 AND 2 OF 2015 AND 3,4 AND 5 OF 2016

(Application for Stay, permission to file additional documents,
dismissal of Civil Appeal and permission to appear and
argue-in-person)

and

CIVIL APPEAL NOS. 6119-6148 OF 2015

with

INTERLOCUTORY APPLICATION NOS. 1-30 and 31-60 of 2015 AND 61 of 2016

(Application for Stay, permission to file additional documents, and
impleadment)

and

CIVIL APPEAL D. NO. 12512 OF 2016

with

INTERLOCUTORY APPLICATION NOS. 1-8 and 9,10,11,12,13 of 2016

(Application for condonation of delay in filing appeal and
permission to appear and argue in person)

and

CIVIL APPEAL NOS. 5335 and 5336 OF 2016

with

INTERLOCUTORY APPLICATION NOS. 1,2,3 AND 4 OF 2016

(Application for Stay, place on record additional documents,
exemption from filing official translation and impleadment)

and

CIVIL APPEAL NOS. 7152-7153 OF 2016

with

INTERLOCUTORY APPLICATION NOS. 3-4,5-6 and 7-8 OF 2016

(Application for permission to file additional documents ,Stay and
permission to file additional documents

and

CIVIL APPEAL NO. 2971 OF 2016

with

INTERLOCUTORY APPLICATION NO. 2 OF 2016

(Application for Stay)

and

CIVIL APPEAL NOS. 9224-9225 OF 2016

M/s. Unitech Residential Resorts Ltd. Etc. ...Appellants

VERSUS

Atul Gupta and Anr. Etc. ...Respondents

OFFICE REPORT

CIVIL APPEAL NOS. 6044 and 6119-6148 of 2015 and Civil Appeal D. No.
12512 of 2016

The matters above mentioned were listed before the Hon'ble Court on 19th October, 2016 when the Court was pleased to inter-alia pass the following order:

"....Mr. Pawanshree Agrawal, who has assisted the Court in preparing the chart which finds mention in order dated 17.08.2016 is granted liberty to mention the amount in respect of the respondent at serial No.7 of the Chart in Civil Appeal No. D12512 of 2016, namely Abhineet Sawa & Ms. Prachi Chhajer. We have already stated that the respondents are not interested in taking the flats. They are fundamentally interested to get their money back with interest and compensation. The principal amount deposited by the respondents as computed by Mr. Pawanshree Agrawal amounts to Rs.16,55,02,525/- (Rupees sixteen crore fifty lac two thousand five hundred and fifty five only). As Rs.15,00,00,000/- (Rupees fifteen crores only) have been invested and some interest has accrued, let the same be given to the respondents on pro rata basis on proper identification by the learned counsel. If any respondent(s) has appeared in person, Mr. Pawanshree Agrawal is appointed as amicus curiae to identify him/them in appropriate manner before the Registry of this Court. The appellant company is directed to deposit a further sum of Rs.2,00,00,000/- (Rupees two crore only) within four weeks hence. Let the matter be listed on 11.01.2017."

It is submitted that Counsel for the appellant has only on 16.11.2016 deposited the amount of Rs. 2,00,00,000/- (Two Crores rupees only) in Civil Appeal No. 6044 of 2015 in compliance of the above Court's order. **Orders are solicited on the investment of the aforesaid deposited amount in FDR.**

Service is complete in Appeal Nos. 6044 and 6119-6148 of 2015 and incomplete on Civil Appeal D. No. 12512 of 2016.

CIVIL APPEAL NOS. 5335 and 5336 OF 2016

The matters above mentioned were listed before the Hon'ble Court on 18th October, 2016 when the Court was pleased to inter-alia pass the following order:

"...As far as the balance sum is concerned, the appellant is directed to deposit a further sum of Rs.10,00,00,000/- (Rupees ten crores only) on or before 06.12.2016. Let the matter be listed on 14.12.2016."

It is submitted that Counsel for the appellant has not deposited amount of Rs. 10,00,00,000/- in the Registry of this Hon'ble Court so far. Notice to respondent No. 2 is yet to be issued. Respondent No. 1 is represented by Mr. Himanshu Shekhar, Advocate. Service is incomplete.

CIVIL APPEAL NOS. 7152-7153 OF 2016

The matters above mentioned were listed before the Hon'ble Court on 19th October, 2016 when the Court was pleased to inter-alia pass the following order:

"...Having heard Mr. Vikas Singh, learned senior counsel for the appellant and Mr. Rohan Thawani and Mr. Aditya Singla learned counsel for the respondents, it is directed that the appellant shall deposit a sum of Rs.3.50 crores before the Registry of this Court within eight weeks hence. The amount so deposited shall be kept in a short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi, so that interest can be accrued on the same. Let the matter be set out for final hearing after ten weeks."

It is submitted that Ms. Vandan Sehgal and MS. Supriya Juneja has entered appearance on behalf of both the respondents. Counsel for the appellant has on 17.10.2016 deposited amount of Rs. 3.50 Crores in the Registry of this Hon'ble court which has been invested in FDR and bearing maturity till 23.01.2017. Service is complete.

CIVIL APPEAL NO. 2971 OF 2016

The matters above mentioned were listed before the Hon'ble Court on 05th September, 2016 when the Court was pleased to pass the following order:

"It will be more appropriate if the matter is listed before the Bench presided over by Hon'ble Mr. Justice Dipak Misra since similar matters are already being considered by that Bench. List the matter before the Bench presided over by Hon'ble Mr. Justice Dipak Misra subject to the orders of Hon'ble the Chief Justice."

It is submitted that Hon'ble Court has not directed to issue notice in this matter so far.

CIVIL APPEAL NOS. 9224-9225 OF 2016

The matters above mentioned were listed before the Hon'ble Court on 09th September, 2016 when the Court was pleased to pass the following order:

**"Delay condoned.
Admit.
Tag with Civil Appeal No.7152-7153 of 2016."**

It is submitted that notice was issued to the sole respondent through registered A.D. Delivery report on postal authority website states that notice was returned without remarks. Service is incomplete.

The Special Leave Petition (C) Nos. 32068 of 2016 and Special Leave Petition (C)...CC No. 21492-21493 of 2016 (Section XIV) were listed before the Hon'ble Court on 11th November, 2016 when the Court was pleased to pass the following order:

"It is submitted that some matters involving the same subject and the same builder are pending in the Court of Hon'ble Mr. Justice Dipak Misra. List on 18th November, 2016 subject to permission of Hon'ble the Chief Justice of India. Tag with C.A. No. 6044 of 2015."

It is lastly submitted that in pursuance of the above said orders in Special Leave Petition Nos. Above mentioned, the matters are listed before the Hon'ble Court with this office report.

DATED THIS THE 17th DAY OF NOVEMBER, 2016.

ASSISTANT REGISTRAR

Copy to : Mr. E. C. Agrawala, Advocate
Mr. Ranjan Kumar Pandey, Advocate
Ms. Manju Jetley, Advocate
Ms. Sonal Jain, Advocate
Mr. P. Nath Razdan, Advocate
Mr. Brajesh Kumar, Advocate
Mr. Vikas Kaul, Respondent-in-person
Ms. Isha Garg, Respondent-in-person
Mr. Tripun Dhiman, Respondent-in-person
Mr. Devinder Kumar Chhabra, Respondent-in-person
Mr. Naresh Pal, Respondent-in-person
Mr. Atul Gupta, Respondent-in-person
Ms. Sikha Agarwal, Respondent-in-person
Mr. Jay Kishore Singh, Advocate
Mr. Himanshu Shekhar, Advocate
Mr. Gautam Talukdar, Advocate
Ms. Vanadana Sehgal, Advocate

ASSISTANT REGISTRAR