

ITEM NO.53

COURT NO.2

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

CONMT.PET.(C) No. 247/2021 in C.A. No. 1873-1878/2020

SWAROOP S PRAKASH & ORS.**Petitioner(s)****VERSUS**

**MR. AVINASH PRABHU, MANAGING DIRECTOR,
M/S SKYLINE CONSTRUCTION AND HOUSING PVT LTD. & ANR. Respondent(s)**

(FOR ADMISSION)**Date : 26-09-2022 This petition was called on for hearing today.****CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI**

For Petitioner(s) **Mr. Sahil Sethi, Adv.
Ms. Nikita Sharma, Adv.
Ms. Anukriti Pareek, AOR**

For Respondent(s) **Mr. Ratan K. Singh, Sr. Adv.
Mr. Rajiv Shankar Dvivedi, AOR
Mr. Rajiv Gurang, Adv.
Mr. Sushant Kumar Sarkar, Adv.
Mr. Rishabh Jain, Adv.
Ms. Arti Dvivedi, Adv.**

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

- 1 Mr Ratan K Singh, senior counsel appearing on behalf of the respondents, states, on the instructions from Mr Dhiraj Prabhu, one of the directors, who is personally present in the Court, that in terms of paragraph 5 of the previous order dated 19 September 2022, 50% of the amounts which are due, inclusive of interest, shall be paid to the flat buyers on or before 30 September 2022.
- 2 It has been agreed that the demand drafts representing 50% of the amount due, drawn in the name of each flat buyer shall be handed over to Mr Sahil Sethi,

counsel for the petitioners on or before 30 September 2022 for onward transmission to the petitioners. This arrangement is made since the buyers have expressed an apprehension about the manner in which they will be dealt with at the office of the developer. Receipts of the flat buyers representing 50% of the amount due and paid shall be handed over by counsel for the petitioners to the counsel for the developer simultaneously with the exchange of the demand drafts.

- 3 As regards the balance, it shall be paid over, subject to the observance of similar modalities, on or before 31 October 2022. On the date of the payment of the final instalment of 50%, the flat buyers shall execute necessary receipts and deeds of cancellation and hand over the original documents to the developer. If any home buyer has taken a loan from a banker, the NOC shall be handed over to the developer, together with the payment of final installment of refund. One flat buyer, Radha Vasan, has died. The payment to the legal representatives shall be resolved between counsel for the petitioner and the counsel for the developer so that payment is made according to the same time schedule.
- 4 List the petition on 10 October 2022 to verify compliance of the payment of 50%. The directors shall continue to remain present in court.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR