

SECTION:XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos.32068, 34225-34226,
37398-37399, 35354 and 37924-37925/2016

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS.3/2017

(Application for impleadment in SLP (C) No. 32068/2016 filed by Mr.
Jay Kishor Singh, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 4-5/2017

(Application for modification of Court's Order dated 15.12.2016 in
SLP (C) Nos. 37398-37399/2016)

RESIDENCES UNITECH BUYER ASSOCIATION

...PETITIONER

Versus

NAMIT MALHOTRA AND ORS.

...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 05.05.2017 alongwith connected matter with office report dated 04.05.2017, when the Court was pleased to pass the following Order:-

"S.L.P. (C) No.32068/2016

The petitioner No.1, who is appearing in-person, submits that both the petitioners have been refunded the amount.

In view of the aforesaid submission, we do not intend to go into the justifiability of the order passed by the High Court of Delhi in Company Appeal No.18 of 2016. In the present special leave petition, be it noted, the order passed in the Company Appeal by the learned Company Judges, has been stayed in other special leave petitions. Therefore, there is no impediment in disposal of the present special leave petition.

The application for impleadment which has been filed in the present special leave petition is permitted to be withdrawn so that the applicants therein can agitate their claim before the appropriate forum. The interlocutory application is permitted to

be withdrawn.

The special leave petition and the interlocutory application stand disposed of. There shall be no order as to costs.

The order passed in the present special leave petition shall also be applicable in the interlocutory application filed by Ms. Rakhi Ray, learned counsel for the applicants.

S.L.P. (C) No.34225-34226/2016 & 37398-37399/2016

Having heard learned counsel for the parties, it is directed that the National Consumer Disputes Redressal Commission, New Delhi, shall dispose of the complaints filed by the petitioners in the present special leave petitions, within eight weeks hence. Be it noted, we have directed the National Commission to dispose of the complaints within eight weeks, as we have completely stayed the order passed by the learned Company Judges.

List the special leave petitions after ten weeks.

S.L.P. (C) Nos.37924-37925/2016 & 35354/2016

It is submitted by Mr. M.S. Ganesh, learned senior counsel appearing for the petitioners that they want to take possession of the flats.

In view of the aforesaid, let these special leave petitions in the first week of August, 2017.

C.A. No.2971/2016

Learned counsel appearing for the appellants submits that he has given 75% of the entire compensation amount and some time will be taken for getting the occupancy certificate.

In view of the aforesaid, let the matter be listed in the second week of August, 2017.

The Managing Director and all the Directors of the UNITECH Limited, who were directed to remain personally present today, shall also remain personally present before this Court on 8th May, 2017."

It is submitted that in SLP (C) No. 32068/2016 Mr. Sarvesh Singh, Advocate has on 05.05.2017 filed an application for modification of order dated 27.03.2017 on behalf of the applicant alongwith Vakalatnama/Appearence on his behalf. But address of the applicant is not mentioned in the application. However, the unregistered application is being circulated herewith.

It is next submitted that in SLP (C) Nos. 34225-34226/2016 application for intervention filed on 04.05.2017 by Ms. Rakhi Ray, Advocate is still defective as counsel has not cured the defects so far.

It is further submitted that in SLP (C) Nos. 34225-34226/2016, Ms. Rakhi Ray, Advocate has on 06.05.2017 filed an application for intervention on behalf of applicants, i.e. Mr. Manmeet Singh and Ms. Jasleen Marwa, but the page numbers 114, 117 to 119, 129 to 131 are in dim impression and not legible. In this regard counsel for the applicants has on 08.05.2017 filed two letters stating therein that the applicants will not rely on the documents in application for intervention filed on 04.05.2017 and 06.05.2017 respectively bearing dim impression at the time of hearing. However, the same is being circulated herewith as unregistered.

It is lastly submitted that these matters were mentioned before the Hon'ble Court on 08.05.2017, when the Court was pleased to pass the following Order:-

"On being mentioned, that the matter is taken on Board.

List the matter on 9.5.2017."

The matters alongwith applications above-mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS THE 08th DAY OF MAY, 2017.

ASSISTANT REGISTRAR

Copy to :

1. Ms. Vandana Sehgal, Adv.
2. Mr. Himanshu Shekhar, Adv.
3. Mr. Devendra Singh, Adv.
4. Mr. Ashok K. Mahajan, Adv.
5. Mr. Debasis Misra, Adv.
6. Mr. E.C. Agrawla, Adv.
7. Mr. Sarvam Ritam Khare, Adv.
8. Mr. Jay Kishor Singh, Advocate
9. Ms. Rakhi Ray, Advocate

ASSISTANT REGISTRAR

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