

ITEM NO.59

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).11959/2014

(Arising out of impugned final judgment and order dated 11-04-2014 in WP No. 65085/2012 passed by the High Court of Judicature at Allahabad)

SUPERTECH LTD

Petitioner(s)

VERSUS

EMERALD COURT OWNER RESIDENT
WELFARE ASSOCIATION & ORS.

Respondent(s)

(WITH APPLN.(S) FOR INTERVENTION/IMPLEADMENT, CLARIFICATION/
DIRECTION)

WITH

SLP(C) No. 12470/2014 (XI)

(WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 14262/2014 (XI)

SLP(C) No. 14314/2014 (XI)

(WITH APPLN.(S) FOR INTERVENTION/IMPLEADMENT,
DIRECTION/CLARIFICATION, APPROPRIATE ORDERS, PERMISSION TO FILE
APPLN. FOR DIRECTION, PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 21035/2014 (XI)

(WITH APPLN.(S) FOR INTERVENTION/IMPLEADMENT AND APPROPRIATE
ORDERS/ DIRECTIONS)

SLP(C) No. 31117/2014 (XI)

SLP(C) No. 12427/2015 (XI)

(WITH APPLN.(S) FOR CONDONATION OF DELAY IN FILING)

SLP(C) No. 12947/2015 (XI)

SLP(C) No. 12948/2015 (XI)

Diary No(s). 28571/2018 (XI)

(WITH APPLN.(S) FOR PERMISSION TO FILE PETITION, FOR CONDONATION OF
DELAY IN FILING AND REFILING, EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT, EXEMPTION FROM FILING O.T., PERMISSION TO FILE
ADDITIONAL DOCUMENTS)

Date : 11-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

Mr. Gaurav Agrawal, Adv. (A.C.)

For Petitioner(s)

Mr. Salman Khurshid, Sr. Adv.
Mr. R. Chandrachud, AOR
Mr. Keshav Mohan, Adv.
Mr. Rajnish Singh, Adv.
Mr. Nitin Thukral, Adv.
Mr. Karan Sharma, Adv.

Mr. Ravindra Kumar, AOR

Mr. Somiran Sharma, AOR

Mr. T. V. S. Raghavendra Sreyas, AOR

Ms. Mahima Gupta, AOR

Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.
Mr. Gautam Parbhakar, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Shantanu Krishna, AOR
Mr. Faisal Sherwani, Adv.
Mr. Anant Prakash, Adv.
Achal Gupta, Adv.

Mr. Ashish Rana, AOR

Mohd. Parvez Dabas, Adv.
Mr. Daansih Ahmed Syed, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Shakil Ahmed Syed, AOR

Mr. Anurag Dubey, Adv.
Mr. Sarvendra Singh, Adv.
Mr. Satpal Wadhwa, Adv.
Mr. Pramod Kumar, Adv.
Mr. S. R. Setia, AOR

For Respondent(s)

Mr. Jayant Bhushan, Sr. Adv.
Mr. Kavin Gulati, Sr. Adv.
Ms. Vasudha Zutshi, Adv.
Mr. Milind Kumar, AOR

Mr. Keshav Mohan, Adv.
Mr. Gaurav Kejriwal, AOR

Ms. Aishwarya Bhati, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamendra Mishra, Adv.

Mr. Ravindra Kumar, AOR

Mr. Rajeev Singh, AOR

Mr. Umang Shankar, AOR

Ms. Pinky Behera, AOR

Mr. Ravi Prakash Mehrotra, AOR

Mr. R. Chandrachud, AOR

Mr. Tarun Gupta, AOR

Mr. Bhakti Vardhan Singh, AOR

Mr. Vishwa Pal Singh, AOR

Mrs. Bina Gupta, AOR

Mr. N. Swaminathan, Adv.
Mr. Sumit R. Sharma, Adv.
Mr. Deepak Shankar, Adv.

Ms. Priyadarshni Chaitanyashil, Adv.

Mr. Abraham C. Mathews, Adv.
Mr. Ravi Kr. Raizada, Adv.
Mr. Nishe Rajen Shonker, Adv.

Ms. Madhvi Kumar Sawant, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.

Mr. M. Rambabu, Adv.

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

There is an office report dated 9 March 2019.

Mr. Gaurav Agrawal, learned *amicus curiae*, has submitted that he is in the process of re-working the computation of interest payable to the home buyers so as to bring it within the overall ceiling of Rs One crore.

In the circumstances, he submits that out of the amount of Rs 2,02,56,111, an amount of Rs One crore may be retained in the Registry while the balance may be refunded to M/s Supertech, together with the amount of Rs 90,000 which is remaining pending as against the amount deposited for payment of expenses which have been incurred.

Accordingly, we direct that the Registry shall retain an amount of Rs One crore. The balance of Rs 1,02,56,111 shall be refunded to M/s Supertech, together with the amount of Rs 90,000 which is surplus as against the expenses incurred.

Mr. Gaurav Agrawal states that he will re-work the computation by 25 March 2019. On the statement of computation being lodged, the Registry shall make disbursement to the home buyers in accordance with the statement which will be filed by the *amicus curiae*.

Mr. Salman Khurshid, learned senior counsel appearing on behalf of M/s. Supertech, states before the Court that he will take instructions before the next date of hearing on the manner in which the fifteen home buyers who are covered by Subvention Schemes shall be protected.

Mr. Gaurav Agrawal has suggested that if it is agreeable, all home buyers may be refunded the initial 15% amount which was deposited by them, together with interest at 10% per annum and M/s Supertech may take over the liability of repaying the loans in relation to the

concerned banks/financial institutions. Mr. Salman Khurshid states that his clients will also be in touch with the concerned banks/financial institutions so as to work out an overall settlement.

List the matters on 1 May 2019.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER