

ITEM NO.53

COURT NO.3

SECTION XVII

**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. 1250/2023 in C.A. No. 7534/2021

GAURAV MUNJAL &amp; ORS.

Petitioner(s)

VERSUS

KASHI NATH SHUKLA &amp; ANR.

Respondent(s)

(IA No. 244683/2023 - INTERVENTION/IMPLEADMENT, IA No. 54985/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 500/2024 in C.A. No. 7534/2021 (XVII)

IA No. 263769/2023 - APPLICATION FOR PERMISSION)

Diary No(s). 137/2024 (XVII)

(IA No. 44924/2024 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS, IA No. 44921/2024 - EX-PARTE STAY, IA No. 44923/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 50773/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For parties(s)

Mr. Anish Gupta, Adv.

Ms. Raina Anand, Adv.

Mr. Abhimanyu Kumar Singla, AOR

Mr. Kapil Sibal, Sr. Adv.

Mr. Gaurav Bhatia, Sr. Adv.

Mr. Abhik Chimney, Adv.

Mr. Gaurav Srivastava, Adv.

Mr. Samir Mishra, Adv.

Mr. Mani Bhushan Sinha, Adv.

Mr. Shaurya Krishna, Adv.

Mr. Gaurav, AOR

Mr. Jayant Mehta, Sr. Adv.  
Ms. Devna Soni, Adv.  
Mr. Jatin Sehgal, Adv.  
Mr. Adhirath Singh, Adv.  
Mr. Simran Bajaj, Adv.  
Mr. Ashish Garg, Adv.  
Mr. Shivashish Dwivedi, Adv.  
Ms. Fauzia Shakil, AOR  
Mr. Gaurav, AOR

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

CONMT.PET.(C) No. 1250/2023 in C.A. No. 7534/2021 and Diary No(s).  
137/2024

1. *Prima facie*, we find that Shri Kashi Nath Shukla has committed a contempt of order passed by this Court dated 27<sup>th</sup> April, 2022.

2. We could have very well issued him notice to appear before this Court and show cause as to why an action for committing contempt of this court's order should not be taken against him. However, merely putting him behind the bars would not solve the problem of the home buyers.

3. Shri Kapil Sibal, learned senior counsel appearing for the respondent(s)/alleged contemnor(s) submits that the project could not be completed as undertaken vide order dated 27<sup>th</sup> April, 2022 since the present petitioners refused to give letter of authority for taking a loan. He submits that if the petitioners would have given a letter of authority, the respondent/alleged contemnor No.1 would have got the loan and completed the project.

4. Shri Jayant Mehta, learned senior counsel appearing for the petitioners submits that the game plan of the respondent/alleged contemnor No.1 is to mortgage the property for taking a loan after obtaining the letter of authority. He submits that if he does not repay the loan, the petitioners would be left high and dry.

5. Shri Sibal makes a specific statement that the flats which are sold to the petitioners would not be mortgaged and they would be kept free from any encumbrances.

6. We, therefore, direct the petitioners to handover a letter of authority in the name of the respondent/alleged contemnor No.1, authorizing him to avail a loan within a period of seven days from today.

7. The respondent/alleged contemnor No.1 shall file a further undertaking that he shall complete the project within a period of six months from today. The undertaking shall also state that the respondent/alleged contemnor No.1 shall not mortgage the flats of the petitioners and that the said flats shall be kept free from any encumbrances.

8. We clarify that in the event the respondent/alleged contemnor No.1 does not complete the projects and handover the possession to the petitioners within a period of six months from today, the same may amount to aggravated contempt of Court.

9. List these matters after six months.

CONMT.PET.(C) No. 500/2024 in C.A. No. 7534/2021

1. De-tag.

2. List this matter after four weeks.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)