

REVISED

ITEM NO.301

COURT NO.10

SECTION XVII

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

Civil Appeal No(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 76055/2019 - APPLICATION FOR PERMISSION  
 IA No. 76050/2019 - CLARIFICATION/DIRECTION  
 IA No. 163357/2018 - CLARIFICATION/DIRECTION  
 IA No. 185448/2018 - EXEMPTION FROM FILING O.T.  
 IA No. 185449/2018 - EXTENSION OF TIME  
 IA No. 76037/2019 - INTERVENTION APPLICATION  
 IA No. 24645/2019 - INTERVENTION APPLICATION  
 IA No. 24639/2019 - INTERVENTION APPLICATION  
 IA No. 16860/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 185446/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 70267/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 29729/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(FOR ON IA 1/2007 FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013 FOR EXEMPTION FROM  
 FILING O.T. ON IA 12/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA  
 11/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016 FOR  
 CLARIFICATION/DIRECTION ON IA 35051/2019

IA No. 35051/2019 - CLARIFICATION/DIRECTION  
 IA No. 12/2013 - EXEMPTION FROM FILING O.T.  
 IA No. 11/2013 - PERMISSION TO FILE ANNEXURES  
 IA No. 10/2013 - PERMISSION TO FILE ANNEXURES  
 IA No. 9/2011 - PERMISSION TO FILE ANNEXURES  
 IA No. 13/2016 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 11108/2016 (XVII)

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS  
 IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 86494/2018 - CLARIFICATION/DIRECTION  
 IA No. 86487/2018 - CLARIFICATION/DIRECTION  
 IA No. 148794/2018 - CLARIFICATION/DIRECTION  
 IA No. 106354/2018 - CLARIFICATION/DIRECTION  
 IA No. 86492/2018 - INTERVENTION APPLICATION  
 IA No. 148790/2018 - INTERVENTION APPLICATION  
 IA No. 106352/2018 - INTERVENTION APPLICATION

IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)  
C.A. No. 10851/2016 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION  
IA No. 23396/2018 - CLARIFICATION/DIRECTION  
IA No. 29665/2019 - CLARIFICATION/DIRECTION  
IA No. 138022/2018 - CLARIFICATION/DIRECTION  
IA No. 74496/2019 - CLARIFICATION/DIRECTION  
IA No. 69785/2018 - EXEMPTION FROM FILING O.T.  
IA No. 89520/2018 - I.A. FOR DIRECTION  
IA No. 51916/2019 - INTERVENTION APPLICATION  
IA No. 129613/2018 - INTERVENTION APPLICATION  
IA No. 49108/2018 - INTERVENTION APPLICATION  
IA No. 117001/2018 - INTERVENTION APPLICATION  
IA No. 29804/2019 - INTERVENTION APPLICATION  
IA No. 86677/2018 - INTERVENTION APPLICATION  
IA No. 138019/2018 - INTERVENTION APPLICATION  
IA No. 66018/2018 - INTERVENTION APPLICATION  
IA No. 136620/2018 - INTERVENTION/IMPLEADMENT  
IA No. 49501/2018 - INTERVENTION/IMPLEADMENT  
IA No. 33334/2019 - INTERVENTION/IMPLEADMENT  
IA No. 23393/2018 - INTERVENTION/IMPLEADMENT  
IA No. 145062/2018 - INTERVENTION/IMPLEADMENT  
IA No. 69781/2018 - INTERVENTION/IMPLEADMENT  
IA No. 74495/2019 - INTERVENTION/IMPLEADMENT  
IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)  
C.A. No. 2511-2526/2017 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION  
IA No. 23396/2018 - CLARIFICATION/DIRECTION  
IA No. 29665/2019 - CLARIFICATION/DIRECTION  
IA No. 138022/2018 - CLARIFICATION/DIRECTION  
IA No. 74496/2019 - CLARIFICATION/DIRECTION  
IA No. 69785/2018 - EXEMPTION FROM FILING O.T.  
IA No. 89520/2018 - I.A. FOR DIRECTION  
IA No. 51916/2019 - INTERVENTION APPLICATION  
IA No. 129613/2018 - INTERVENTION APPLICATION  
IA No. 49108/2018 - INTERVENTION APPLICATION  
IA No. 117001/2018 - INTERVENTION APPLICATION  
IA No. 29804/2019 - INTERVENTION APPLICATION  
IA No. 86677/2018 - INTERVENTION APPLICATION  
IA No. 138019/2018 - INTERVENTION APPLICATION  
IA No. 66018/2018 - INTERVENTION APPLICATION  
IA No. 136620/2018 - INTERVENTION/IMPLEADMENT  
IA No. 49501/2018 - INTERVENTION/IMPLEADMENT  
IA No. 33334/2019 - INTERVENTION/IMPLEADMENT  
IA No. 23393/2018 - INTERVENTION/IMPLEADMENT  
IA No. 145062/2018 - INTERVENTION/IMPLEADMENT  
IA No. 69781/2018 - INTERVENTION/IMPLEADMENT  
IA No. 74495/2019 - INTERVENTION/IMPLEADMENT  
IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)  
S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

**IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))  
C.A. No. 5174-5181/2017 (XVII)**

**IA No. 53934/2017 - CLARIFICATION/DIRECTION)  
C.A. No. 5674/2017 (XVII)**

**IA No. 53934/2017 - CLARIFICATION/DIRECTION)  
C.A. No. 9391-9404/2017 (XVII)**

**IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)  
C.A. No. 15493/2017 (XVII)**

**IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)  
SLP(Cr1) No. 5978-5979/2017 (II-C)**

**IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED  
AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER**

**IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION**

**IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 55250/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 123121/2017 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 49475/2019 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 32223/2018 - APPROPRIATE ORDERS/DIRECTIONS**

**IA No. 102172/2018 - CLARIFICATION/DIRECTION**

**IA No. 115449/2018 - CLARIFICATION/DIRECTION**

**IA No. 118046/2018 - CLARIFICATION/DIRECTION**

**IA No. 134971/2018 - CLARIFICATION/DIRECTION**

**IA No. 115336/2017 - CLARIFICATION/DIRECTION**

**IA No. 63391/2019 - CLARIFICATION/DIRECTION**

**IA No. 78607/2019 - CLARIFICATION/DIRECTION**

**IA No. 137527/2017 - CLARIFICATION/DIRECTION**

**IA No. 88188/2019 - CLARIFICATION/DIRECTION**

**IA No. 72036/2018 - CLARIFICATION/DIRECTION**

**IA No. 72196/2018 - CLARIFICATION/DIRECTION**

**IA No. 91131/2018 - CLARIFICATION/DIRECTION**

**IA No. 148645/2018 - CLARIFICATION/DIRECTION**

**IA No. 165205/2018 - CLARIFICATION/DIRECTION**

**IA No. 31376/2019 - CLARIFICATION/DIRECTION**

**IA No. 368/2018 - CLARIFICATION/DIRECTION**

**IA No. 29029/2018 - CLARIFICATION/DIRECTION**

**IA No. 45689/2018 - CLARIFICATION/DIRECTION**

IA No. 72035/2018 - CLARIFICATION/DIRECTION  
IA No. 115433/2018 - CLARIFICATION/DIRECTION  
IA No. 121642/2017 - CLARIFICATION/DIRECTION  
IA No. 63363/2019 - CLARIFICATION/DIRECTION  
IA No. 137522/2017 - CLARIFICATION/DIRECTION  
IA No. 137547/2017 - CLARIFICATION/DIRECTION  
IA No. 43789/2018 - CLARIFICATION/DIRECTION  
IA No. 63414/2018 - CLARIFICATION/DIRECTION  
IA No. 72149/2018 - CLARIFICATION/DIRECTION  
IA No. 97616/2018 - CLARIFICATION/DIRECTION  
IA No. 86305/2017 - CLARIFICATION/DIRECTION  
IA No. 128559/2018 - CLARIFICATION/DIRECTION  
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IA No. 72065/2018 - INTERVENTION APPLICATION  
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IA No. 66087/2018 - INTERVENTION/IMPLEADMENT

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 DOCUMENTS/FACTS/ANNEXURES  
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 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN  
 COPY OF IMPUGNED ORDER  
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 72068/2018 - RECALLING THE COURTS ORDER  
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE  
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)  
 C.A. No. 11008/2017 (XVII)  
 (IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA  
 No.85519/2017-INTERVENTION/IMPLEADMENT and IA No.85880/2017-  
 INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and  
 IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA  
 No.98117/2017-DELETING THE NAME OF RESPONDENT  
 IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED  
 AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER  
 IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION  
 IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS  
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IA No. 163110/2018 - INTERVENTION/IMPLEADMENT  
IA No. 23734/2018 - INTERVENTION/IMPLEADMENT  
IA No. 49450/2018 - INTERVENTION/IMPLEADMENT  
IA No. 90659/2017 - INTERVENTION/IMPLEADMENT  
IA No. 91692/2017 - INTERVENTION/IMPLEADMENT  
IA No. 137559/2018 - INTERVENTION/IMPLEADMENT  
IA No. 155739/2018 - INTERVENTION/IMPLEADMENT  
IA No. 81351/2019 - INTERVENTION/IMPLEADMENT  
IA No. 59884/2018 - INTERVENTION/IMPLEADMENT  
IA No. 38852/2019 - INTERVENTION/IMPLEADMENT  
IA No. 123125/2017 - INTERVENTION/IMPLEADMENT  
IA No. 66133/2019 - INTERVENTION/IMPLEADMENT  
IA No. 135533/2017 - INTERVENTION/IMPLEADMENT  
IA No. 81346/2019 - INTERVENTION/IMPLEADMENT  
IA No. 3435/2018 - INTERVENTION/IMPLEADMENT  
IA No. 23875/2018 - INTERVENTION/IMPLEADMENT  
IA No. 114988/2018 - INTERVENTION/IMPLEADMENT  
IA No. 126404/2018 - INTERVENTION/IMPLEADMENT  
IA No. 132972/2018 - INTERVENTION/IMPLEADMENT  
IA No. 134987/2018 - INTERVENTION/IMPLEADMENT

IA No. 174831/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 133342/2017 - INTERVENTION/IMPLEADMENT  
 IA No. 139971/2017 - INTERVENTION/IMPLEADMENT  
 IA No. 12896/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 32565/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 46255/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 55575/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 66759/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 114985/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 131981/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 98660/2017 - INTERVENTION/IMPLEADMENT  
 IA No. 58851/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 123118/2017 - INTERVENTION/IMPLEADMENT  
 IA No. 23754/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 51232/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 55573/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 66094/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 91143/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 176545/2018 - MODIFICATION  
 IA No. 176528/2018 - MODIFICATION  
 IA No. 145494/2018 - MODIFICATION OF COURT ORDER  
 IA No. 1614/2019 - MODIFICATION OF COURT ORDER  
 IA No. 1610/2019 - MODIFICATION OF COURT ORDER  
 IA No. 37229/2019 - MODIFICATION OF COURT ORDER  
 IA No. 108851/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 108822/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 176388/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN  
 COPY OF IMPUGNED ORDER  
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 72068/2018 - RECALLING THE COURTS ORDER  
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE  
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)  
 C.A. No. 17008-17011/2017 (XVII)  
 (and  
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
 94577/2017  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 94736/2017  
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017  
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018  
 FOR impleading party ON IA 55457/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018  
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018

FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018  
 FOR impleading party ON IA 93352/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018  
 FOR impleading party ON IA 94782/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018  
 FOR impleading party ON IA 94844/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018  
 FOR impleading party ON IA 116810/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018  
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018  
 IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION  
 IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 138460/2018 - CLARIFICATION/DIRECTION  
 IA No. 15770/2018 - CLARIFICATION/DIRECTION  
 IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT  
 IA No. 55457/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 116810/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94844/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94782/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 93352/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES)  
 C.A. No. 16858/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 C.A. No. 20003/2017 (XVII)  
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA  
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILING and IA  
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 SLP(C) No. 30997/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 C.A. No. 3727/2018 (XVII)

IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)  
 C.A. No. 6837-6838/2018 (XVII)

IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)  
SLP(C) No. 12667/2018 (XVII)

IA No. 127173/2018 - CLARIFICATION/DIRECTION  
IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)  
Diary No(s). 20540/2018 (XVII)

IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL  
IA No. 104958/2018 - CONDONATION OF DELAY IN REFILING)  
C.A. No. 8524/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
C.A. No. 10609/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
SLP(C) No. 30270/2018 (XVII)

IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
Diary No(s). 40477/2018 (XVII)

IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 168354/2018 - CONDONATION OF DELAY IN FILING  
IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)  
W.P.(C) No. 51/2019 (X)

IA No. 8597/2019 - CLARIFICATION/DIRECTION)  
Diary No(s). 1380/2019 (XVII)

IA No. 14639/2019 - CONDONATION OF DELAY IN FILING  
IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)  
Diary No(s). 4454/2019 (XVII)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING  
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)  
C.A. No. 3236/2019 (XVII)

IA No. 30656/2019 - CONDONATION OF DELAY IN FILING  
IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)  
C.A. No. 3269/2019 (XVII)

IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)  
C.A. No. 3935/2019 (XVII)  
(FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION  
IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)  
Diary No(s). 13860/2019 (XVII)

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)  
Diary No(s). 13969/2019 (XVII)

(FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY  
IN FILING  
IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 05-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Ms. Divya Roy, AOR

Mr. Vikas Mehta, AOR

Mr. Ghanshyam, Adv.  
Mr. Devendra Singh, AOR

Mr. Gurtej Pal Singh, Adv.  
Ms. Aswathi M.K., AOR

Mr. Gaurav, AOR

Mr. Kamendra Mishra, AOR

Mrs. Rachana Joshi Issar, AOR

Ms. Bhavana Duhoon, Adv.  
Mr. Manan Bansal, Adv.  
Ms. Uttara Babbar, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. A.P. Sinha, Adv.  
Mr. Saurav Kumar, Adv.  
Mr. R. R. Rajesh, Adv.  
Mr. Ajay Kumar Talesara, AOR

Mr. Sandeep Bajaj, Adv.  
Ms. Garima Goel, Adv.  
Deepanjan Gutta, Adv.  
Ms. Nidhi Mohan Parashar, AOR

Mr. Joshva H. Samuel, Adv.  
Mr. Rajat Agnihotri, Adv.  
Mr. Tayenjam Momo Singh, AOR

Lt. Col. Ajay Singh (Retd.),

Mr. Deepak Goel, AOR

Ms. Sapna Choudhary, Adv.  
Ms. Vanshaja Shukla, AOR

Ms. Bhavya Vijay Tangri, Adv.  
Mr. Rahul Shyam Bhandari, AOR

Ms. Prerna Mehta, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Narayan, AOR

Mr. Anand Grover, Sr. Adv.  
Mr. Manmeet Singh, Adv.  
Mr. Abhinandan Banerjee, Adv.  
Mr. Samyak G., Adv.  
Mr. M.L.Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Himanshu Shekhar, AOR

Mr. Ashish Yadav, Adv.  
Mr. Shubhranshu Padhi, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Pawanshree Agrawal, AOR

Ms. Priyanjali Singh, AOR

Dr. A.M.Singhvi, Sr. Adv.  
Ms. Pinaki Mishra, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Abhinav Agrawal, Adv.  
Mr. Anuroop Chakravarti, Adv.  
Mr. Rajiv Kumar Virmani, Adv.  
Ms. Mayuri Nayyar Chawla, Adv.  
Ms. Neeha Nagpal, Adv.  
Mr. Abhimanyu Bhandari, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. E. C. Agrawala, AOR

Ms. Divya Swani, Adv.  
Mr. Nikhil Swani, Adv.  
Petitioner-in-person

For Respondent(s) Mr. Bharat Sood, Adv.  
Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.  
Mr. Ayush Anand, Adv.  
Mr. Shubendu Anand, Adv.

Mr. P. S. Sudheer, AOR

Mr. Ashutosh Srivastava,  
Respondent-in person

Mr. Ravindra Kumar, AOR

Respondent-in-person

Mr. E. C. Agrawala, AOR

Mr.A.N.S. Nadkarni, ASG  
Ms. Suhasini Sen, Adv.  
Mr. T.A. Khan, Adv.  
Mr. Anish Kr. Gupta, Adv.  
Mr. B. V. Balaram Das, AOR  
Mr. Nisarg Chaudhary, Adv.  
Mr. C.S. Suman, Adv.

Ms. Pritha Srikumar, AOR

Mr. Keshav Mohan, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Santosh Kumar - I, AOR

Mr. Yadav Narender Singh, AOR

Dr. Harish Uppal, Adv.  
Mr. T. Prasad, Adv.  
Mr. Adith Nair, Adv.  
Mr. Vikas Mehta, AOR

Mr. Vijay Kumar, AOR

Mr. Preshit Vilas Surshe, AOR

Mr. Roopansh Purohit, AOR

Mr. Somanatha Padhan, AOR

Mr. S. R. Setia, AOR

Mr. Rajat Kapoor, Adv.  
Mr. Amit Pawan, AOR

Mr. T. N. Singh, AOR

Ms. Manjula Gupta, AOR

Mr. Abhishek Chaudhary, Adv.  
Mr. Amit Singh, Adv.  
Ms. Pooja Kabra, Adv.



**Ms. Sujata Upadhyay, Adv.**  
**Mr. Sarwa nand Dubey, Adv.**

**M/S. Av Global Chambers, AOR**

**Mr. Anoop Kr. Srivastav, AOR**

**Ms. Liz Mathew, AOR**

**Mr. Manish Jain, Adv.**  
**Mr. Vikash Kumar Verma, Adv.**  
**Mr. Akash Pratap Singh, Adv.**  
**Mr. Sonal Jain, AOR**

**Mr. Ashok Jain, Adv.**  
**Mr. Pankaj Jain, Adv.**  
**Mr. Bijoy Kumar Jain, AOR**

**Mr. Aniruddha P. Mayee, AOR**

**Mr. Gaurav Goel, AOR**

**Ms. Arunima Bishnoi, Adv.**  
**Mr. Arjun Harkauli, AOR**

**Mr. Anirudh Sharma, AOR**

**Ms. Kumud Lata Das, AOR**  
**Ms. Indu Kaul, Adv.**  
**Mr. Ravi Agarwal, Adv.**

**Mr. Praveen Agrawal, AOR**

**Mr. Prithvi Pal, AOR**

**Mr. Prashant Kumar, Adv.**  
**Mr. Joseph Pookkatt, Adv.**  
**Mr. Dhawesh Pahuja, Adv.**  
**Ms. Charu Ambwani, AOR**

**Mr. Deepak Goel, AOR**

**Mr. Umang Shankar, AOR**

**Mr. Vineet Bhagat, AOR**

**Mr. Jatin Zaveri, AOR**

**Mr. Amit Kumar, AOR**

**Mr. Vivek Narayan Sharma, AOR**

**Mr. R. C. Kaushik, AOR**

Ms. Bina Madhavan, Adv.  
Ms. Swati Bhardwaj, Adv.  
Mr. S.. Udaya Kumar Sagar, AOR

Mr. Roshan Santhalia, AOR

Mr. Santosh Krishnan, AOR

Ms. Sujata Kurdukar, AOR

Mr. R.N.Venjarani, Sr. Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. S.K. Rajora, Adv.  
Mr. Ranjit Kumar Sharma, AOR

Ms. Preeti Singh, AOR

Mr. P. N. Puri, AOR

Mr. Jinendra Jain, AOR

Mr. Divyesh Pratap Singh, AOR

Ms. Bharti Tyagi, AOR

Mr. Gp. Capt. Karan Singh Bhati, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Aakarsh Kamra, AOR

Mr. Somesh Chandra Jha, AOR

Mr. Deepak Anand, AOR

Mrs. Kirti Renu Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Rituraj Choudhary, Adv.  
Mr. Rituraj Biswas, Adv.  
Mr.Chandan Kumar, AOR

Mr. Rakesh Mishra, AOR

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR

Ms. Hima Lawrence, AOR

Mr. Ravinder Kumar, Adv.  
Mr. Siddharth Batra, AOR

Mr. K. K. Mohan, AOR

Mr. Dhruv Agarwal, Adv.  
Mr. Harsh Mishra, Adv.  
Mr. Nishit Agrawal, AOR

Mrs. Gargi Khanna, AOR

Mr. Birendra Kumar Mishra, AOR

Ms. Rakhi Ray, AOR

Mr. Rajesh Singh, AOR

Mr. Abhinav Mukerji, AOR

Ms. Vandana Surana, Adv.  
Ms. Priya Kashyap, Adv.  
Ms. Shital Khatri, Adv.  
Mr. Rajesh Goyal, AOR  
S. Khatri, Adv.

Mr. Rajesh Kumar, AOR

Applicant-in-person, AOR

Mr. S. K. Verma, AOR

Mr. Aditya Singh, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. Sanjay Jain, AOR

Mr. Udayaditya Banerjee, AOR

Mr. Vipin Kumar Jai, AOR

Mr. S. Rajappa, AOR

Mr. T. Mahipal, AOR

Mr. Tarun Gupta, AOR

Mr. Arvind Gupta, AOR

Mr. P. K. Jain, AOR

Mr. Kaushik Poddar, AOR

Ms. Divya Roy, AOR

Mr. Siddharth, AOR

Mr. Shantanu Sagar, AOR

Ms. Filza Moonis, AOR

Mr. Chandra Bhushan Prasad, AOR

Mr. Kedar Nath Tripathy, AOR

Ms. Aswathi M.K., AOR

Mr. Jay Kishor Singh, AOR

Mr. Siddharth Mehra, Adv.

Ms. Shreya Jad, Adv.

Mr. M. R. Shamshad, AOR

Mr. Devesh Kumar Tripathi, AOR

Mr. D. Abhinav Rao, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Ms. Charu Mathur, AOR

Mr. Rahul Gupta, Adv.

Mr. Abhinav Shrivastava, AOR

Ms. Jaikriti S. Jadeja, AOR

Ms. Rashi Bansal, AOR

Mr. Nikunj Dayal, AOR

Mr. Amit Sharma, AOR

Mr. U.A. Rana, Adv.

Mr. Himanshu Mehta, Adv.

M/S. Gagrat And Co, AOR

Mr. Mayank Goel, AOR

Mr. Rohit Sharma, Adv.

Mr. Atul Agarwal, Adv.

Mr. Rounak Nayak, Adv.

Mr. Anshul Chowdhary, Adv.

Mr. Kumar Dushyant Singh, AOR

Mr. Rajeev Singh, AOR

Mr. Inderjeet Yadav, Adv.  
Ms. Pooja Shrivastava, Adv.  
Mr. Akshat Shrivastava, AOR

Mrs. Nisha Rohatgi, Adv.  
Mr. Lalit Mohan, Adv.  
Mr. Ekant Luthra, Adv.  
Mr. Shashi Bhushan P. Adgaonkarar, AOR

Mr. Gyan Prakash Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Rajat Sehgal, AOR

Mr. Sukant Vikram, AOR

Ms. Shobha Gupta, AOR

Mr. Ravindra Bana, AOR

Mr. Siddhartha Jha, AOR

Mr. Saurabh Upadhyay, Adv.  
Ms. Hardika, Adv.  
Mr. Janmejay Verma, Adv.  
Mr. Sanjay Kumar Tyagi, AOR

Mr. Gopal Jha, AOR  
M/S. Cyril Amarchand Mangaldas Aor, AOR  
Mr. Gagan Gupta, AOR

Mr. Soumitra G. Chaudhury, Adv.  
Mr. Soumya Dutta, AOR

Mr. K.K. Venugopal Ld. A.G.  
Mr. Varun K. Chopra, Adv.  
Mr. Pawanshree Agrawal, AOR  
Mr. Nikhil Swami, AOR

Mr. ANS Nadkarni, ASG  
Ms. Praveena Gautam, Adv.  
Mr. Rupesh Kumar, Adv.  
Mrs. Anil Katiyar, AOR

Mr. Vivek Gupta, AOR

Mr. Anurag Jain, Adv.  
Mr. Venkateswara Rao Anumolu, AOR

Kmnp Law Aor, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Sachin Jain, Adv.  
Ms. Isha Aggarwal, Adv.  
Mr. Rohit Kumar, Adv.  
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Prateek Seth, Adv.  
Mr. Sumit R. Sharma, AOR

Ms. Garima Prashad, AOR

Mr. Sureshan P., AOR

Mr. Syed Jafar Alam, AOR

Mrs. B. Sunita Rao, AOR

Mr. Kailash Pandey, Adv.  
Mr. Ranjeet Singh, Adv.  
Ms. Nupur Sharma, Adv.  
Mr. Gaichangpou Gangmei, AOR

Mr. Saurabh Mishra, Adv.  
Mr. vineet Kr. Singh, Adv.  
Mr. Abhay Kumar, AOR

Mr. M. P. Devanath, AOR

Ms. Madhurima Tatia, AOR

Mr. Jeetender Gupta, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. Balaji Srinivasan, AOR  
Ms. Garima Jain, Adv.  
Mr. Siddhant Kohli, Adv.  
Ms. Pallavi Sengupta, Adv.  
Mr. Akash Chatterjee, Adv.

Dr. Sumant Bharadwaj, Adv.  
Mr. Y.R. Mishra, Adv.  
Mr. Rakesh Kailash Sharma, Adv.  
Mr. Amol Chitravanshi, Adv.  
Ms. Rinchen Wangmo, Adv.  
Mr. Vedant Bharadwaj, Adv.  
Ms. Mridula Ray Bharadwaj, AOR

Mr. Himanshu Shekhar, AOR

Dr. Vinod Kumar Tewari, AOR

Mr. Awanish Kumar, AOR

Mr. Aldanish Rein, AOR

Mr. Kaustubh Anshuraj, AOR

Mr. Krishna Kumar Singh, AOR

Mr. Ashwarya Sinha, AOR

Mr. Arun Adlakhia, Adv.

Mr. Raju Sonkar, Adv.

Mr. Naman Gupta, Adv.

Mr. Dharmendra Kumar Sinha, AOR

Mr. Partha Sil, AOR

Ms. Upasana Nath, AOR

Ms. Rashmi Nandakumar, AOR

Mr. Shantanu Krishna, AOR

Ms. Jyoti Mendiratta, AOR

Ms. Priya Hingorani, Sr. Adv.

Dr. Aman Hingorani, Adv.

Mr. Himanshu Yadav, Adv.

Mr. Hitesh Dahiya, Adv.

M/S. Hingorani & Associates, AOR

Mr. Akarsh Garg, Adv.

Ms. Shishmita Kumari, Adv.

Mr. Kaushik Choudhury, AOR

M/S. Dua Associates, AOR

Mr. Ayush Sharma, AOR

Mr. Vaibhav Kumar, AOR

Ms. Shreya Sharma, Adv.

Mr. Aneesh Mittal, AOR

Ms. Vibha Mahajan, Adv.

Ms. Upasana Nath, Adv.

Mr. Aabhas Parimal, Adv.

Mr. Somanatha Padhan, Adv.

Mr. Ravindra Kumar, Adv.

Ms. Bansuri Swaraj, Adv.

Mr. Sidedhesh Kotwal, Adv.

Ms. A. Ghose, Adv.

Mr. Sanjay Chadha, Adv.

Mr. Ghan shyam, Adv.

Mr. Devender Singh, Adv.

Ms. Aishwarya Bhati, Sr. Adv.

Mr. P. Singh, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.

Ms. Srishti Juneja, Adv.

Mr. Sriram P., Adv.

Mr. M.S. Vishnu Shankar, Adv.

Ms. Athira G.Nair, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Nikhil Nayyar, Sr. Adv.

Ms. Pritha Srikumar, Adv.

Mr. Naveen Hegde, Adv.

Ms. Mansi Binjrajka, Adv.

Dr. Harish Uppal, Adv.

Mr. Tileshwar Prasad, Adv.

Ms. Prerna Mehta, Adv.

Mr. Prateek Gupta, Adv.

Ms. Sudha Gupta, Adv.

Mr. Maninder Singh, Sr. Adv.

Ms. G. Rishi, Adv.

Mr. Aditya P. Arora, Adv.

Mr. Anirudh Sharma, Adv.

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, AOR

Ms. Priyanjali Singh, Adv.

Mr. Rahul Rathore, Adv.

Mr. Karunesh Kumar Shukla, Adv.

Mr. Vivek Kumar, in person

Mr. R. Vasanth, Adv.

Mr Sukrit Seth, Adv.



Mr. R. Chandrachud, Adv.

Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, Adv.

Mr. Rahul Narayan, Adv.  
Mr. Shashwat Goel, Adv.

Mr. Aswathi M.K., Adv.

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

Mr. Pawanshree Agrawal, learned Amicus Curiae has submitted in a status report that upon adopting the cut off date as 30 November 2018, a list of 1338 home buyers was prepared to whom pro rata distribution of Rs 87 crores is in progress. 875 home buyers have deposited advance receipts. The Amicus Curiae states that 503 home buyers have been paid pro rata while the process for the payment to 349 home buyers is in process.

The Registry shall ensure that pro rata distribution of the principal sum is made to the home buyers in terms of the list(s) furnished by the learned Amicus Curiae. The above disbursement is to be made to the balance 349 home buyers. Those home buyers who have either not submitted advance receipts or required documents, as the case may be, shall do so within ten days from today so as to facilitate the Amicus Curiae forwarding their details to the Registry.

The Registry shall complete the process of pro rata distribution within two weeks of the receipt of the list from the Amicus Curiae. We clarify that while making a deduction under Order

IX Rule 9 of the Supreme Court Rules, the Registry shall ensure that the ceiling of Rs 15,000 is not exceeded in the aggregate per home buyer, regardless of the tranches in which distribution is made to each person.

The Amicus Curiae is also requested to prepare separately a schedule for the disbursement of principal sums to the home buyers who have already Obtained an order of refund taking an extended cut off date as 30 June 2019.

Out of the component of 10 per cent which has been earmarked for payment to the fixed depositors, we direct that the initial disbursement of the pro rata principal shall first take place to fixed deposit holders of the age group of 60 years and above. From amongst that group, disbursal shall take place on the basis of the duration of the investment in fixed deposit. The Amicus Curiae shall follow the above principle for the purpose of disbursement to the fixed depositors and shall submit an upto date list within two weeks from today to the Registry upon which disbursement can take place.

The Amicus Curiae has obtained data pertaining to employees on the web portal as on 2 July 2019. He has submitted that he will share this data with counsel for Unitech so that verification of the claims which have been received is done. The learned Amicus Curiae is requested to carry out the process of verifying the amount of the principal claims and claims on account of TDS and dividend fund dues within four weeks. Unitech shall ensure all cooperation. Counsel appearing on behalf of the employees is also at liberty to share her computation with the Amicus Curiae to

facilitate verification.

Mr. Sameer Paranjape representing Grant Thornton has placed on record a report reflecting the status of the forensic audit. Mr. Paranjape suggested that this Court may lay down a cut off date for the submission of all the data and information by Unitech Ltd., after the expiry of which a period of three weeks may be granted to the forensic auditors to complete the audit and submit an interim report to this Court.

We accordingly direct that Unitech Ltd. shall submit all the required information that remains to the forensic auditors on or before 19 July 2019. All the concerned banks are directed to ensure that the remaining bank statements are made available to Grant Thornton within the aforesaid period failing which the Court shall be compelled to take coercive steps for compliance against the defaulting banks. Grant Thornton shall submit its interim report by 9 August 2019.

Mr. Pinaki Mishra, learned Senior Counsel for Unitech seeks permission of the Court to deposit Rs 51.95 crores in the Registry of the Court. Permission is granted.

The Registry shall invest an amount of Rs 5 crores deposited on 10 May 2019 and the amount of Rs 51.95 crores in a fixed deposit of any nationalized bank which offers better terms as regards the rate of interest for a period of 91 days.

FDR A/c. No. 1303-G which is maturing on 7 August 2019 shall also be re-invested with any nationalized bank which pays a higher rate of interest for a further period of 91 days.

I.A. NO. 94783/2019

In pursuance of the previous order passed by this Court on 9 May 2019, Mr. K.K. Venugopal, learned Attorney General for India has assisted the Court. Learned Attorney General submitted that the proposal for a third party agency to take up the work of construction can be dealt with subject to and upon the disposal of the Crl. Misc. Petition instituted by Unitech. We accordingly proceed to do so.

The reliefs which have been sought in the Crl. Miscellaneous Petition are in the following terms:

"A. Pass an order taking on record the time-bound plan for completion of pending projects submitted by the Applicant/Petitioner No. 3; and

B. Direct the Hon'ble Justice (Retd.) Dhingra Committee to submit a viability report of the plan based on discussions with the Petitioners No. 1 & 2; and

C. Direct that the office facilities provided to Petitioners No. 1 & 2 to hold discussions with the Hon'ble Justice (Retd.) Dhingra Committee be restored; and

D. Direct the Hon'ble Justice (Retd.) Dhingra Committee to implement the said plan with modification if any and subject to such terms and conditions as this Hon'ble Court may deem fit and necessary;"

Unitech has urged before this Court that the work of completing the construction should continue to be carried out by it and has purported to submit a time bound plan for the completion of pending projects. Acceptance of the prayer of Unitech would result in the exclusion of the association of any third party at the behest of the Union government. We have heard Dr. A.M. Singhvi,

learned Senior Counsel and Mr. Pinaki Mishra, learned Senior Counsel in support of the application.

Unitech has submitted before the Court that of the 29,434 units which have been sold, 12,466 units remain undelivered. Construction of 60 per cent of the pending projects is stated to be ongoing and at diverse stages of completion. Unitech has proposed that the 12,466 undelivered units will be completed over the next three years, by July 2022. It has been urged that an amount of Rs 481 crores has been deposited in the Registry of this Court in pursuance of the directions which have been issued from time to time. On this basis, it has been urged that there is no reason to deviate from the existing position under which the Court appointed Committee is overseeing the work of construction. Besides this, it has been submitted that the process of monetizing the assets of Unitech is being carried out under the directions of the Justice (Retd.) Dhingra Committee. Of the 74 pending projects, it has been submitted that 22 have been completed while 23 are being funded by two Asset Reconstruction Companies. In sum and substance, it has been alleged that the interposition of a third party agency is liable to delay the handing over of flats to home buyers hence the existing modalities under which the monetization of assets is being carried out and funds are being progressively made over to Unitech for completing the construction under the auspices of the Court appointed Committee may continue.

We are unable to accede to the submission which has been urged on behalf of the Unitech. The work of monetizing the assets of the company is being carried out, it is necessary to note, under

judicial directions. It was as a result of the intervention of this Court and the appointment of the Committee that some progress in regard to realising the value of the assets of Unitech has resulted.

The work of the Justice Dhingra Committee in monetising the assets is not interdicted . That undoubtedly will continue to be carried out under the overall supervision of the Committee appointed by this Court, subject to further directions or modalities as may be fixed by this Court.

The central issue before us is whether Unitech should continue to be entrusted with the work of construction. Over the previous two years, this Court has been monitoring the progress of construction. By its very nature, it is impossible for the Court to take upon itself the task of overseeing the process. The difficulty which is faced by thousands of home buyers has arisen because of the inability of Unitech to abide by its contractual obligations and to deliver flats to the home buyers within the time schedule which was agreed. As a result of the continuing default by Unitech, thousands of home buyers who have to pay EMIs for home loans are left in a situation where they are at the same time required to pay rent for housing accommodation without any likelihood of the accommodation purchased by them been completed. This state of affairs cannot be continued indefinitely. It was with this view that the Court passed the previous order after observing prima facie that a stage has been reached where it is necessary to seek the intervention of the Union government so as to ensure that the interests of the home buyers are duly protected.

For the above reasons, we are clearly of the view that the existing developer cannot be entrusted with the task of completing the projects particularly in the absence of any safeguard that would ensure that the commitments which are sought to be offered before this Court presently will be fulfilled. Their past track record indicates otherwise. We accordingly reject the Criminal Miscellaneous Petition.

Having done so, we have heard the learned Attorney General for India on the modalities which the Union government proposes to adopt. The Attorney General has in his oral submissions placed before the Court a tentative course of action in which the matter can proceed further by the appointment of a third party agency to take over the construction. The Attorney General who has held discussions at a senior level in the Union government has submitted before the Court that a period of 10 days would be required to place a formal proposal on the record. Acceding to the suggestion which has been made, we direct that the further hearing of these proceedings shall stand adjourned to 23 July 2019.

List the matter on 23 July 2019 at 3 p.m.

I.A. Nos. 94991/2019, I.A. Nos. 91808/2019, I.A. No. 31375/2019 and I.A. No. 31376/2019 be listed on the next date of hearing.

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

ITEM NO.301

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

IA No. 76055/2019 - APPLICATION FOR PERMISSION  
 IA No. 76050/2019 - CLARIFICATION/DIRECTION  
 IA No. 163357/2018 - CLARIFICATION/DIRECTION  
 IA No. 185448/2018 - EXEMPTION FROM FILING O.T.  
 IA No. 185449/2018 - EXTENSION OF TIME  
 IA No. 76037/2019 - INTERVENTION APPLICATION  
 IA No. 24645/2019 - INTERVENTION APPLICATION  
 IA No. 24639/2019 - INTERVENTION APPLICATION  
 IA No. 16860/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 185446/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 70267/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 29729/2019 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 9572/2007 (XI)

(FOR ON IA 1/2007 FOR [PERMISSION TO FILE ANNEXURES] ON IA 9/2011  
 FOR [PERMISSION TO FILE ANNEXURES] ON IA 10/2013 FOR EXEMPTION FROM  
 FILING O.T. ON IA 12/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA  
 11/2013 FOR [PERMISSION TO FILE ANNEXURES] ON IA 13/2016 FOR  
 CLARIFICATION/DIRECTION ON IA 35051/2019

IA No. 35051/2019 - CLARIFICATION/DIRECTION  
 IA No. 12/2013 - EXEMPTION FROM FILING O.T.  
 IA No. 11/2013 - PERMISSION TO FILE ANNEXURES  
 IA No. 10/2013 - PERMISSION TO FILE ANNEXURES  
 IA No. 9/2011 - PERMISSION TO FILE ANNEXURES  
 IA No. 13/2016 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 11108/2016 (XVII)

IA No. 2/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS  
 IA No. 8196/2019 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 168352/2018 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 86494/2018 - CLARIFICATION/DIRECTION  
 IA No. 86487/2018 - CLARIFICATION/DIRECTION  
 IA No. 148794/2018 - CLARIFICATION/DIRECTION  
 IA No. 106354/2018 - CLARIFICATION/DIRECTION  
 IA No. 86492/2018 - INTERVENTION APPLICATION  
 IA No. 148790/2018 - INTERVENTION APPLICATION  
 IA No. 106352/2018 - INTERVENTION APPLICATION  
 IA No. 6125/2019 - INTERVENTION/IMPLEADMENT)  
 C.A. No. 10851/2016 (XVII)



IA No. 33331/2019 - APPLICATION FOR PERMISSION  
 IA No. 23396/2018 - CLARIFICATION/DIRECTION  
 IA No. 29665/2019 - CLARIFICATION/DIRECTION  
 IA No. 138022/2018 - CLARIFICATION/DIRECTION  
 IA No. 74496/2019 - CLARIFICATION/DIRECTION  
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.  
 IA No. 89520/2018 - I.A. FOR DIRECTION  
 IA No. 51916/2019 - INTERVENTION APPLICATION  
 IA No. 129613/2018 - INTERVENTION APPLICATION  
 IA No. 49108/2018 - INTERVENTION APPLICATION  
 IA No. 117001/2018 - INTERVENTION APPLICATION  
 IA No. 29804/2019 - INTERVENTION APPLICATION  
 IA No. 86677/2018 - INTERVENTION APPLICATION  
 IA No. 138019/2018 - INTERVENTION APPLICATION  
 IA No. 66018/2018 - INTERVENTION APPLICATION  
 IA No. 136620/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)  
 C.A. No. 2511-2526/2017 (XVII)

IA No. 33331/2019 - APPLICATION FOR PERMISSION  
 IA No. 23396/2018 - CLARIFICATION/DIRECTION  
 IA No. 29665/2019 - CLARIFICATION/DIRECTION  
 IA No. 138022/2018 - CLARIFICATION/DIRECTION  
 IA No. 74496/2019 - CLARIFICATION/DIRECTION  
 IA No. 69785/2018 - EXEMPTION FROM FILING O.T.  
 IA No. 89520/2018 - I.A. FOR DIRECTION  
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 IA No. 66018/2018 - INTERVENTION APPLICATION  
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 IA No. 49501/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 33334/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 23393/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 145062/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 69781/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 74495/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 2/2016 - PERMISSION TO FILE ANNEXURES)  
 S.L.P.(C)...CC No. 5129-5130/2017 (XIV)

IA No. 1/2017 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))  
 C.A. No. 5174-5181/2017 (XVII)

IA No. 53934/2017 - CLARIFICATION/DIRECTION)  
C.A. No. 5674/2017 (XVII)

IA No. 53934/2017 - CLARIFICATION/DIRECTION)  
C.A. No. 9391-9404/2017 (XVII)

IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)  
C.A. No. 15493/2017 (XVII)

IA No. 60512/2017 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 98431/2017 - INTERVENTION/IMPLEADMENT)  
SLP(Cr1) No. 5978-5979/2017 (II-C)

IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED  
AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER

IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION

IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 87314/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 78602/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 22112/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 55250/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 139538/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 77981/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 20867/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 62687/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 46262/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 178594/2018 - APPROPRIATE ORDERS/DIRECTIONS

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 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN  
 COPY OF IMPUGNED ORDER  
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 72068/2018 - RECALLING THE COURTS ORDER  
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE  
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)  
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 (IA No.80805/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT and IA No.85513/2017-INTERVENTION/IMPLEADMENT and IA  
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 INTERVENTION/IMPLEADMENT and IA No.95992/2017-impleading party and  
 IA No.98113/2017-APPROPRIATE ORDERS/DIRECTIONS and IA  
 No.98117/2017-DELETING THE NAME OF RESPONDENT  
 IA No. 73474/2017 - APPLICATION FOR EXEMPTION FROM FILING CERTIFIED  
 AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER  
 IA No. 4543/2018 - APPLICATION FOR SUBSTITUTION  
 IA No. 55294/2019 - APPROPRIATE ORDERS/DIRECTIONS  
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 IA No. 23251/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 99900/2018 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 86731/2018 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 71828/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 138368/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 107196/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION  
 IA No. 73472/2017 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN  
 COPY OF IMPUGNED ORDER  
 IA No. 4504/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 23839/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS  
 IA No. 72068/2018 - RECALLING THE COURTS ORDER  
 IA No. 13046/2018 - SEEKING CUSTODY CERTIFICATE  
 IA No. 39547/2019 - WITHDRAWAL OF CASE / APPLICATION)  
 C.A. No. 17008-17011/2017 (XVII)  
 (and  
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
 94577/2017  
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
 94736/2017  
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 96100/2017  
 FOR CLARIFICATION/DIRECTION ON IA 15770/2018  
 FOR impleading party ON IA 55457/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 55457/2018  
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66025/2018  
 FOR APPLICATION FOR TRANSPOSITION ON IA 85469/2018  
 FOR impleading party ON IA 93352/2018

FOR INTERVENTION/IMPLEADMENT ON IA 93352/2018  
 FOR impleading party ON IA 94782/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 94782/2018  
 FOR impleading party ON IA 94844/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 94844/2018  
 FOR impleading party ON IA 116810/2018  
 FOR INTERVENTION/IMPLEADMENT ON IA 116810/2018  
 FOR CLARIFICATION/DIRECTION ON IA 138460/2018  
 IA No. 85469/2018 - APPLICATION FOR TRANSPOSITION  
 IA No. 96100/2017 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 66025/2018 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 138460/2018 - CLARIFICATION/DIRECTION  
 IA No. 15770/2018 - CLARIFICATION/DIRECTION  
 IA No. 94577/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT  
 IA No. 55457/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 116810/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94844/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94782/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 93352/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 94736/2017 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES)  
 C.A. No. 16858/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 C.A. No. 20003/2017 (XVII)  
 (IA No.119851/2017-CONDONATION OF DELAY IN FILING and IA  
 No.119859/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
 and IA No.119854/2017-CONDONATION OF DELAY IN REFILEING and IA  
 No.119862/2017-APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 SLP(C) No. 30997/2017 (XVII)

IA No. 101622/2018 - CLARIFICATION/DIRECTION  
 IA No. 50215/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 108044/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 101795/2018 - INTERVENTION/IMPLEADMENT  
 IA No. 71612/2018 - INTERVENTION/IMPLEADMENT)  
 C.A. No. 3727/2018 (XVII)

IA No. 41952/2018 - APPROPRIATE ORDERS/DIRECTIONS)  
 C.A. No. 6837-6838/2018 (XVII)

IA No. 82490/2018 - EX-PARTE INTERIM DIRECTION)  
 SLP(C) No. 12667/2018 (XVII)

- IA No. 127173/2018 - CLARIFICATION/DIRECTION  
 IA No. 127169/2018 - INTERVENTION/IMPLEADMENT)  
 Diary No(s). 20540/2018 (XVII)
- IA No. 104957/2018 - CONDONATION OF DELAY IN FILING APPEAL  
 IA No. 104958/2018 - CONDONATION OF DELAY IN REFILEING)  
 C.A. No. 8524/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
 C.A. No. 10609/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
 SLP(C) No. 30270/2018 (XVII)
- IA No. 111987/2018 - CLARIFICATION/DIRECTION)  
 Diary No(s). 40477/2018 (XVII)
- IA No. 168356/2018 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 168354/2018 - CONDONATION OF DELAY IN FILING  
 IA No. 168355/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT)  
 W.P.(C) No. 51/2019 (X)
- IA No. 8597/2019 - CLARIFICATION/DIRECTION)  
 Diary No(s). 1380/2019 (XVII)
- IA No. 14639/2019 - CONDONATION OF DELAY IN FILING  
 IA No. 14640/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT)  
 Diary No(s). 4454/2019 (XVII)
- IA No. 30656/2019 - CONDONATION OF DELAY IN FILING  
 IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT)  
 C.A. No. 3236/2019 (XVII)
- IA No. 30656/2019 - CONDONATION OF DELAY IN FILING  
 IA No. 30657/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT)  
 C.A. No. 3269/2019 (XVII)
- IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)  
 C.A. No. 3935/2019 (XVII)  
 (FOR ADMISSION and IA No.63737/2019-CLARIFICATION/DIRECTION  
 IA No. 51514/2019 - APPROPRIATE ORDERS/DIRECTIONS)  
 Diary No(s). 13860/2019 (XVII)
- IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)  
 Diary No(s). 13969/2019 (XVII)  
 (FOR ADMISSION and I.R. and IA No.71090/2019-CONDONATION OF DELAY  
 IN FILING

IA No. 68265/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 68264/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 05-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Ms. Divya Roy, AOR

Mr. Vikas Mehta, AOR

Mr. Ghanshyam, Adv.  
Mr. Devendra Singh, AOR

Mr. Gurtej Pal Singh, Adv.  
Ms. Aswathi M.K., AOR

Mr. Gaurav, AOR

Mr. Kamendra Mishra, AOR

Mrs. Rachana Joshi Issar, AOR

Ms. Bhavana Duhoon, Adv.  
Mr. Manan Bansal, Adv.  
Ms. Uttara Babbar, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. A.P. Sinha, Adv.  
Mr. Saurav Kumar, Adv.  
Mr. R. R. Rajesh, Adv.  
Mr. Ajay Kumar Talesara, AOR

Mr. Sandeep Bajaj, Adv.  
Ms. Garima Goel, Adv.  
Deepanjan Gutta, Adv.  
Ms. Nidhi Mohan Parashar, AOR

Mr. Joshva H. Samuel, Adv.  
Mr. Rajat Agnihotri, Adv.  
Mr. Tayenjam Momo Singh, AOR

Lt. Col. Ajay Singh (Retd.),

Mr. Deepak Goel, AOR

Ms. Sapna Choudhary, Adv.  
Ms. Vanshaja Shukla, AOR

Ms. Bhavya Vijay Tangri, Adv.  
Mr. Rahul Shyam Bhandari, AOR

Ms. Prerna Mehta, AOR

Mr. Awanish Kumar, AOR

Mr. Rahul Narayan, AOR

Mr. Anand Grover, Sr. Adv.  
Mr. Manmeet Singh, Adv.  
Mr. Abhinandan Banerjee, Adv.  
Mr. Samyak G., Adv.  
Mr. M.L.Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Himanshu Shekhar, AOR

Mr. Ashish Yadav, Adv.  
Mr. Shubhranshu Padhi, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Pawanshree Agrawal, AOR

Ms. Priyanjali Singh, AOR

Dr. A.M.Singhvi, Sr. Adv.  
Ms. Pinaki Mishra, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Abhinav Agrawal, Adv.  
Mr. Anuroop Chakravarti, Adv.  
Mr. Rajiv Kumar Virmani, Adv.  
Ms. Mayuri Nayyar Chawla, Adv.  
Ms. Neeha Nagpal, Adv.  
Mr. Abhimanyu Bhandari, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. E. C. Agrawala, AOR

Ms. Divya Swani, Adv.  
Mr. Nikhil Swani, Adv.  
Petitioner-in-person

For Respondent(s) Mr. Bharat Sood, Adv.  
Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.  
Mr. Ayush Anand, Adv.  
Mr. Shubendu Anand, Adv.  
Mr. P. S. Sudheer, AOR

Mr. Ashutosh Srivastava,  
Respondent-in person

Mr. Ravindra Kumar, AOR

Respondent-in-person

Mr. E. C. Agrawala, AOR

Mr.A.N.S. Nadkarni, ASG

Ms. Suhasini Sen, Adv.

Mr. T.A. Khan, Adv.

Mr. Anish Kr. Gupta, Adv.

Mr. B. V. Balaram Das, AOR

Mr. Nisarg Chaudhary, Adv.

Mr. C.S. Suman, Adv.

Ms. Pritha Srikumar, AOR

Mr. Keshav Mohan, Adv.

Mr. Prashant Kumar, Adv.

Mr. Santosh Kumar - I, AOR

Mr. Yadav Narender Singh, AOR

Dr. Harish Uppal, Adv.

Mr. T. Prasad, Adv.

Mr. Adith Nair, Adv.

Mr. Vikas Mehta, AOR

Mr. Vijay Kumar, AOR

Mr. Preshit Vilas Surshe, AOR

Mr. Roopansh Purohit, AOR

Mr. Somanatha Padhan, AOR

Mr. S. R. Setia, AOR

Mr. Rajat Kapoor, Adv.

Mr. Amit Pawan, AOR

Mr. T. N. Singh, AOR

Ms. Manjula Gupta, AOR

Mr. Abhishek Chaudhary, Adv.

Mr. Amit Singh, Adv.

Ms. Pooja Kabra, Adv.

Ms. Sujata Upadhyay, Adv.

Mr. Sarwa nand Dubey, Adv.

M/S. Av Global Chambers, AOR

Mr. Anoop Kr. Srivastav, AOR

Ms. Liz Mathew, AOR

Mr. Manish Jain, Adv.

Mr. Vikash Kumar Verma, Adv.

Mr. Akash Pratap Singh, Adv.

Mr. Sonal Jain, AOR

Mr. Ashok Jain, Adv.

Mr. Pankaj Jain, Adv.

Mr. Bijoy Kumar Jain, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Gaurav Goel, AOR

Ms. Arunima Bishnoi, Adv.

Mr. Arjun Harkauli, AOR

Mr. Anirudh Sharma, AOR

Ms. Kumud Lata Das, AOR

Ms. Indu Kaul, Adv.

Mr. Ravi Agarwal, Adv.

Mr. Praveen Agrawal, AOR

Mr. Prithvi Pal, AOR

Mr. Prashant Kumar, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. Dhawesh Pahuja, Adv.

Ms. Charu Ambwani, AOR

Mr. Deepak Goel, AOR

Mr. Umang Shankar, AOR

Mr. Vineet Bhagat, AOR

Mr. Jatin Zaveri, AOR

Mr. Amit Kumar, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. R. C. Kaushik, AOR



Ms. Bina Madhavan, Adv.  
Ms. Swati Bhardwaj, Adv.  
Mr. S.. Udaya Kumar Sagar, AOR

Mr. Roshan Santhalia, AOR

Mr. Santosh Krishnan, AOR

Ms. Sujata Kurdukar, AOR

Mr. R.N.Venjarani, Sr. Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. S.K. Rajora, Adv.  
Mr. Ranjit Kumar Sharma, AOR

Ms. Preeti Singh, AOR

Mr. P. N. Puri, AOR

Mr. Jinendra Jain, AOR

Mr. Divyesh Pratap Singh, AOR

Ms. Bharti Tyagi, AOR

Mr. Gp. Capt. Karan Singh Bhati, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Aakarsh Kamra, AOR

Mr. Somesh Chandra Jha, AOR

Mr. Deepak Anand, AOR

Mrs. Kirti Renu Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Rituraj Choudhary, Adv.  
Mr. Rituraj Biswas, Adv.  
Mr.Chandan Kumar, AOR

Mr. Rakesh Mishra, AOR

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR

Ms. Hima Lawrence, AOR

Mr. Ravinder Kumar, Adv.

Mr. Siddharth Batra, AOR

Mr. K. K. Mohan, AOR

Mr. Dhruv Agarwal, Adv.

Mr. Harsh Mishra, Adv.

Mr. Nishit Agrawal, AOR

Mrs. Gargi Khanna, AOR

Mr. Birendra Kumar Mishra, AOR

Ms. Rakhi Ray, AOR

Mr. Rajesh Singh, AOR

Mr. Abhinav Mukerji, AOR

Ms. Vandana Surana, Adv.

Ms. Priya Kashyap, Adv.

Ms. Shital Khatri, Adv.

Mr. Rajesh Goyal, AOR

S. Khatri, Adv.

Mr. Rajesh Kumar, AOR

Applicant-in-person, AOR

Mr. S. K. Verma, AOR

Mr. Aditya Singh, AOR

Ms. Kamakshi S. Mehrlwal, AOR

Mr. Sanjay Jain, AOR

Mr. Udayaditya Banerjee, AOR

Mr. Vipin Kumar Jai, AOR

Mr. S. Rajappa, AOR

Mr. T. Mahipal, AOR

Mr. Tarun Gupta, AOR

Mr. Arvind Gupta, AOR

Mr. P. K. Jain, AOR

Mr. Kaushik Poddar, AOR

Ms. Divya Roy, AOR

Mr. Siddharth, AOR  
Mr. Shantanu Sagar, AOR  
Ms. Filza Moonis, AOR  
Mr. Chandra Bhushan Prasad, AOR  
Mr. Kedar Nath Tripathy, AOR  
Ms. Aswathi M.K., AOR  
Mr. Jay Kishor Singh, AOR  
Mr. Siddharth Mehra, Adv.  
Ms. Shreya Jad, Adv.  
Mr. M. R. Shamshad, AOR  
Mr. Devesh Kumar Tripathi, AOR  
Mr. D. Abhinav Rao, AOR  
Mr. Pukhrambam Ramesh Kumar, AOR  
Ms. Charu Mathur, AOR  
Mr. Rahul Gupta, Adv.  
Mr. Abhinav Shrivastava, AOR  
Ms. Jaikriti S. Jadeja, AOR  
Ms. Rashi Bansal, AOR  
Mr. Nikunj Dayal, AOR  
Mr. Amit Sharma, AOR  
Mr. U.A. Rana, Adv.  
Mr. Himanshu Mehta, Adv.  
M/S. Gagrath And Co, AOR  
Mr. Mayank Goel, AOR  
Mr. Rohit Sharma, Adv.  
Mr. Atul Agarwal, Adv.  
Mr. Rounak Nayak, Adv.  
Mr. Anshul Chowdhary, Adv.  
Mr. Kumar Dushyant Singh, AOR  
Mr. Rajeev Singh, AOR  
Mr. Inderjeet Yadav, Adv.

Ms. Pooja Shrivastava, Adv.  
Mr. Akshat Shrivastava, AOR

Mrs. Nisha Rohatgi, Adv.  
Mr. Lalit Mohan, Adv.  
Mr. Ekant Luthra, Adv.  
Mr. Shashi Bhushan P. Adgaonkarar, AOR

Mr. Gyan Prakash Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Rajat Sehgal, AOR

Mr. Sukant Vikram, AOR

Ms. Shobha Gupta, AOR

Mr. Ravindra Bana, AOR

Mr. Siddhartha Jha, AOR

Mr. Saurabh Upadhyay, Adv.  
Ms. Hardika, Adv.  
Mr. Janmejy Verma, Adv.  
Mr. Sanjay Kumar Tyagi, AOR

Mr. Gopal Jha, AOR  
M/S. Cyril Amarchand Mangaldas Aor, AOR  
Mr. Gagan Gupta, AOR

Mr. Soumitra G. Chaudhury, Adv.  
Mr. Soumya Dutta, AOR

Mr. K.K. Venugopal Ld. A.G.  
Mr. Varun K. Chopra, Adv.  
Mr. Pawanshree Agrawal, AOR  
Mr. Nikhil Swami, AOR

Mr. ANS Nadkarni, ASG  
Ms. Praveena Gautam, Adv.  
Mr. Rupesh Kumar, Adv.  
Mrs. Anil Katiyar, AOR

Mr. Vivek Gupta, AOR

Mr. Anurag Jain, Adv.  
Mr. Venkateswara Rao Anumolu, AOR

Kmnp Law Aor, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Sachin Jain, Adv.  
Ms. Isha Aggarwal, Adv.  
Mr. Rohit Kumar, Adv.  
Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Prateek Seth, Adv.  
Mr. Sumit R. Sharma, AOR

Ms. Garima Prashad, AOR

Mr. Sureshan P., AOR

Mr. Syed Jafar Alam, AOR

Mrs. B. Sunita Rao, AOR

Mr. Kailash Pandey, Adv.  
Mr. Ranjeet Singh, Adv.  
Ms. Nupur Sharma, Adv.  
Mr. Gaichangpou Gangmei, AOR

Mr. Saurabh Mishra, Adv.  
Mr. vineet Kr. Singh, Adv.  
Mr. Abhay Kumar, AOR

Mr. M. P. Devanath, AOR

Ms. Madhurima Tatia, AOR

Mr. Jeetender Gupta, AOR

Mr. Pahlad Singh Sharma, AOR

Mr. Balaji Srinivasan, AOR  
Ms. Garima Jain, Adv.  
Mr. Siddhant Kohli, Adv.  
Ms. Pallavi Sengupta, Adv.  
Mr. Akash Chatterjee, Adv.

Dr. Sumant Bharadwaj, Adv.  
Mr. Y.R. Mishra, Adv.  
Mr. Rakesh Kailash Sharma, Adv.  
Mr. Amol Chitravanshi, Adv.  
Ms. Rinchen Wangmo, Adv.  
Mr. Vedant Bharadwaj, Adv.  
Ms. Mridula Ray Bharadwaj, AOR

Mr. Himanshu Shekhar, AOR

Dr. Vinod Kumar Tewari, AOR

Mr. Awanish Kumar, AOR

Mr. Aldanish Rein, AOR

Mr. Kaustubh Anshuraj, AOR

Mr. Krishna Kumar Singh, AOR

Mr. Ashwarya Sinha, AOR

Mr. Arun Adlakha, Adv.

Mr. Raju Sonkar, Adv.

Mr. Naman Gupta, Adv.

Mr. Dharmendra Kumar Sinha, AOR

Mr. Partha Sil, AOR

Ms. Upasana Nath, AOR

Ms. Rashmi Nandakumar, AOR

Mr. Shantanu Krishna, AOR

Ms. Jyoti Mendiratta, AOR

Ms. Priya Hingorani, Sr.Adv.

Dr. Aman Hingorani, Adv.

Mr. Himanshu Yadav, Adv.

Mr. Hitesh Dahiya, Adv.

M/S. Hingorani & Associates, AOR

Mr. Akarsh Garg, Adv.

Ms. Shishmita Kumari, Adv.

Mr. Kaushik Choudhury, AOR

M/S. Dua Associates, AOR

Mr. Ayush Sharma, AOR

Mr. Vaibhav Kumar, AOR

Ms. Shreya Sharma, Adv.

Mr. Aneesh Mittal, AOR

Ms. Vibha Mahajan, Adv.

Ms. Upasana Nath, Adv.

Mr. Aabhas Parimal, Adv.

Mr. Somanatha Padhan, Adv.

Mr. Ravindra Kumar, Adv.

Ms. Bansuri Swaraj, Adv.

Mr. Sidedhesh Kotwal, Adv.

Ms. A. Ghose, Adv.

Mr. Sanjay Chadha, Adv.

Mr. Ghan shyam, Adv.

Mr. Devender Singh, Adv.

Ms. Aishwarya Bhati, Sr. Adv.

Mr. P. Singh, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.

Ms. Srishti Juneja, Adv.

Mr. Sriram P., Adv.

Mr. M.S. Vishnu Shankar, Adv.

Ms. Athira G.Nair, Adv.

Ms. Tara V. Ganju, Adv.

Mr. Nikhil Nayyar, Sr. Adv.

Ms. Pritha Srikumar, Adv.

Mr. Naveen Hegde, Adv.

Ms. Mansi Binjrajka, Adv.

Dr. Harish Uppal, Adv.

Mr. Tileshwar Prasad, Adv.

Ms. Prerna Mehta, Adv.

Mr. Prateek Gupta, Adv.

Ms. Sudha Gupta, Adv.

Mr. Maninder Singh, Sr. Adv.

Ms. G. Rishi, Adv.

Mr. Aditya P. Arora, Adv.

Mr. Anirudh Sharma, Adv.

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, AOR

Ms. Priyanjali Singh, Adv.

Mr. Rahul Rathore, Adv.

Mr. Karunesh Kumar Shukla, Adv.

Mr. Vivek Kumar, in person

Mr. R. Vasanth, Adv.

Mr Sukrit Seth, Adv.

Mr. R. Chandrachud, Adv.

Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, Adv.

Mr. Rahul Narayan, Adv.  
Mr. Shashwat Goel, Adv.

Mr. Aswathi M.K., Adv.

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

Mr. Pawanshree Agrawal, learned Amicus Curiae has submitted in a status report that upon adopting the cut off date as 30 November 2018, a list of 1338 home buyers was prepared to whom pro rata distribution of Rs 87 crores is in progress. 875 home buyers have deposited advance receipts. The Amicus Curiae states that 503 home buyers have been paid pro rata while the process for the payment to 349 home buyers is in process.

The Registry shall ensure that pro rata distribution of the principal sum is made to the home buyers in terms of the list(s) furnished by the learned Amicus Curiae. The above disbursement is to be made to the balance 349 home buyers. Those home buyers who have either not submitted advance receipts or required documents, as the case may be, shall do so within ten days from today so as to facilitate the Amicus Curiae forwarding their details to the Registry.

The Registry shall complete the process of pro rata distribution within two weeks of the receipt of the list from the Amicus Curiae. We clarify that while making a deduction under Order IX Rule 9 of the Supreme Court Rules, the Registry shall ensure



that the ceiling of Rs 15,000 is not exceeded in the aggregate per home buyer, regardless of the tranches in which distribution is made to each person.

The Amicus Curiae is also requested to prepare separately a schedule for the disbursement of principal sums to the home buyers who have already Obtained an order of refund taking an extended cut off date as 30 June 2019.

Out of the component of 10 per cent which has been earmarked for payment to the fixed depositors, we direct that the initial disbursement of the pro rata principal shall first take place to fixed deposit holders of the age group of 60 years and above. From amongst that group, disbursal shall take place on the basis of the duration of the investment in fixed deposit. The Amicus Curiae shall follow the above principle for the purpose of disbursement to the fixed depositors and shall submit an upto date list within two weeks from today to the Registry upon which disbursement can take place.

The Amicus Curiae has obtained data pertaining to employees on the web portal as on 2 July 2019. He has submitted that he will share this data with counsel for Unitech so that verification of the claims which have been received is done. The learned Amicus Curiae is requested to carry out the process of verifying the amount of the principal claims and claims on account of TDS and dividend fund dues within four weeks. Unitech shall ensure all cooperation. Counsel appearing on behalf of the employees is also at liberty to share her computation with the Amicus Curiae to facilitate verification.

Mr. Sameer Paranjape representing Grant Thornton has placed on record a report reflecting the status of the forensic audit. Mr. Paranjape suggested that this Court may lay down a cut off date for the submission of all the data and information by Unitech Ltd., after the expiry of which a period of three weeks may be granted to the forensic auditors to complete the audit and submit an interim report to this Court.

We accordingly direct that Unitech Ltd. shall submit all the required information that remains to the forensic auditors on or before 19 July 2019. All the concerned banks are directed to ensure that the remaining bank statements are made available to Grant Thornton within the aforesaid period failing which the Court shall be compelled to take coercive steps for compliance against the defaulting banks. Grant Thornton shall submit its interim report by 9 August 2019.

Mr. Pinaki Mishra, learned Senior Counsel for Unitech seeks permission of the Court to deposit Rs 51.95 crores in the Registry of the Court. Permission is granted.

The Registry shall invest an amount of Rs 5 crores deposited on 10 May 2019 and the amount of Rs 51.95 crores in a fixed deposit of any nationalized bank which offers better terms as regards the rate of interest for a period of 91 days.

FDR A/c. No. 1303-G which is maturing on 7 August 2019 shall also be re-invested with any nationalized bank which pays a higher rate of interest for a further period of 91 days.

In pursuance of the previous order passed by this Court on 9 May 2019, Mr. K.K. Venugopal, learned Attorney General for India has assisted the Court. Learned Attorney General submitted that the proposal for a third party agency to take up the work of construction can be dealt with subject to and upon the disposal of the Crl. Misc. Petition instituted by Unitech. We accordingly proceed to do so.

The reliefs which have been sought in the Crl. Miscellaneous Petition are in the following terms:

"A. Pass an order taking on record the time-bound plan for completion of pending projects submitted by the Applicant/Petitioner No. 3; and

B. Direct the Hon'ble Justice (Retd.) Dhingra Committee to submit a viability report of the plan based on discussions with the Petitioners No. 1 & 2; and

C. Direct that the office facilities provided to Petitioners No. 1 & 2 to hold discussions with the Hon'ble Justice (Retd.) Dhingra Committee be restored; and

D. Direct the Hon'ble Justice (Retd.) Dhingra Committee to implement the said plan with modification if any and subject to such terms and conditions as this Hon'ble Court may deem fit and necessary;"

Unitech has urged before this Court that the work of completing the construction should continue to be carried out by it and has purported to submit a time bound plan for the completion of pending projects. Acceptance of the prayer of Unitech would result in the exclusion of the association of any third party at the behest of the Union government. We have heard Dr. A.M. Singhvi, learned Senior Counsel and Mr. Pinaki Mishra, learned Senior

Counsel in support of the application.

Unitech has submitted before the Court that of the 29,434 units which have been sold, 12,466 units remain undelivered. Construction of 60 per cent of the pending projects is stated to be ongoing and at diverse stages of completion. Unitech has proposed that the 12,466 undelivered units will be completed over the next three years, by July 2022. It has been urged that an amount of Rs 481 crores has been deposited in the Registry of this Court in pursuance of the directions which have been issued from time to time. On this basis, it has been urged that there is no reason to deviate from the existing position under which the Court appointed Committee is overseeing the work of construction. Besides this, it has been submitted that the process of monetizing the assets of Unitech is being carried out under the directions of the Justice (Retd.) Dhingra Committee. Of the 74 pending projects, it has been submitted that 22 have been completed while 23 are being funded by two Asset Reconstruction Companies. In sum and substance, it has been alleged that the interposition of a third party agency is liable to delay the handing over of flats to home buyers hence the existing modalities under which the monetization of assets is being carried out and funds are being progressively made over to Unitech for completing the construction under the auspices of the Court appointed Committee may continue.

We are unable to accede to the submission which has been urged on behalf of the Unitech. The work of monetizing the assets of the company is being carried out, it is necessary to note, under judicial directions. It was as a result of the intervention of this

Court and the appointment of the Committee that some progress in regard to realising the value of the assets of Unitech has resulted.

The work of the Justice Dhingra Committee in monetising the assets is not interdicted . That undoubtedly will continue to be carried out under the overall supervision of the Committee appointed by this Court, subject to further directions or modalities as may be fixed by this Court.

The central issue before us is whether Unitech should continue to be entrusted with the work of construction. Over the previous two years, this Court has been monitoring the progress of construction. By its very nature, it is impossible for the Court to take upon itself the task of overseeing the process. The difficulty which is faced by thousands of home buyers has arisen because of the inability of Unitech to abide by its contractual obligations and to deliver flats to the home buyers within the time schedule which was agreed. As a result of the continuing default by Unitech, thousands of home buyers who have to pay EMIs for home loans are left in a situation where they are at the same time required to pay rent for housing accommodation without any likelihood of the accommodation purchased by them been completed. This state of affairs cannot be continued indefinitely. It was with this view that the Court passed the previous order after observing prima facie that a stage has been reached where it is necessary to seek the intervention of the Union government so as to ensure that the interests of the home buyers are duly protected.

For the above reasons, we are clearly of the view that the

existing developer cannot be entrusted with the task of completing the projects particularly in the absence of any safeguard that would ensure that the commitments which are sought to be offered before this Court presently will be fulfilled. Their past track record indicates otherwise. We accordingly reject the Criminal Miscellaneous Petition.

Having done so, we have heard the learned Attorney General for India on the modalities which the Union government proposes to adopt. The Attorney General has in his oral submissions placed before the Court a tentative course of action in which the matter can proceed further by the appointment of a third party agency to take over the construction. The Attorney General who has held discussions at a senior level in the Union government has submitted before the Court that a period of 10 days would be required to place a formal proposal on the record. Acceding to the suggestion which has been made, we direct that the further hearing of these proceedings shall stand adjourned to 23 July 2019.

List the matter on 23 July 2019 at 3 p.m.

I.A. Nos. 94991/2019, I.A. Nos. 91806/2019, I.A. No. 31375/2019 and I.A. No. 31376/2019 be listed on the next date of hearing.

(MANISH SETHI)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER