

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).**10851/2016**

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. . & ORS.

Respondent(s)

([MR. PAWANSHREE AGRAWAL (A.C.) ADVOCATE] and IA No.23393/2018-impleading party and IA No.23396/2018-CLARIFICATION/DIRECTION)

WITH

C.A. No. 2511-2526/2017 (XVII)

(IA No.66938/2017-EXTENSION OF TIME and IA No.90673/2017-EXTENSION OF TIME)

C.A. No. 5174-5181/2017 (XVII)

(FOR CLARIFICATION/DIRECTION ON IA 53934/2017[[TO BE TAKEN UP ALONGWITH C.A.NO. 2511-2526/2017]])

C.A. No. 10856/2016 (XVII)

SLP(Cr1) No. 5978-5979/2017 (II-C)

([NAME OF THE ADVOCATE MR. PAWAN SHREE AGARWAL (A.C.) MAY BE SHOWN]

only IA No.135533/2017-impleading party and IA No.135534/2017-CLARIFICATION/DIRECTION and IA No.137520/2017-INTERVENTION

APPLICATION and IA No.137522/2017-CLARIFICATION/DIRECTION and IA

No.137526/2017-INTERVENTION APPLICATION and IA No.137527/2017-

CLARIFICATION/DIRECTION and IA No.137531/2017-INTERVENTION

APPLICATION and IA No.137532/2017-CLARIFICATION/DIRECTION and IA

No.137538/2017-INTERVENTION APPLICATION and IA No.137540/2017-

CLARIFICATION/DIRECTION and IA No.137544/2017-INTERVENTION

APPLICATION and IA No.137547/2017-CLARIFICATION/DIRECTION and IA

No.138307/2017-INTERVENTION APPLICATION and IA No.138358/2017-

INTERVENTION APPLICATION and IA No.138367/2017-INTERVENTION

APPLICATION and IA No.138368/2017-PERMISSION TO FILE APPLICATION

FOR DIRECTION and IA No.138372/2017-INTERVENTION APPLICATION and IA

No.138388/2017-INTERVENTION APPLICATION

FOR PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER ON IA 73472/2017

FOR [APPLICATION FOR EXEMPTION FROM FILING CERTIFIED AS WELL AS ORDINARY PLAIN COPY OF THE IMPUGNED ORDER] ON IA 73474/2017

FOR CLARIFICATION/DIRECTION ON IA 86305/2017

FOR INTERVENTION/IMPLEADMENT ON IA 87309/2017

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87314/2017

FOR INTERVENTION APPLICATION ON IA 89941/2017

FOR INTERVENTION APPLICATION ON IA 90004/2017

FOR INTERVENTION APPLICATION ON IA 90008/2017

FOR INTERVENTION APPLICATION ON IA 90011/2017

FOR INTERVENTION APPLICATION ON IA 90014/2017

FOR INTERVENTION APPLICATION ON IA 90019/2017

- 2 -

FOR INTERVENTION APPLICATION ON IA 90023/2017
FOR INTERVENTION APPLICATION ON IA 90395/2017
FOR INTERVENTION APPLICATION ON IA 90400/2017
FOR INTERVENTION APPLICATION ON IA 90575/2017
FOR INTERVENTION APPLICATION ON IA 90581/2017
FOR INTERVENTION/IMPLEADMENT ON IA 90659/2017
FOR INTERVENTION/IMPLEADMENT ON IA 90697/2017
FOR INTERVENTION APPLICATION ON IA 90743/2017
FOR INTERVENTION APPLICATION ON IA 90747/2017
FOR INTERVENTION APPLICATION ON IA 90799/2017
FOR INTERVENTION APPLICATION ON IA 90823/2017
FOR INTERVENTION APPLICATION ON IA 90881/2017
FOR INTERVENTION APPLICATION ON IA 90999/2017
FOR CLARIFICATION/DIRECTION ON IA 91001/2017
FOR INTERVENTION APPLICATION ON IA 91041/2017
FOR INTERVENTION APPLICATION ON IA 91242/2017
FOR INTERVENTION APPLICATION ON IA 91502/2017
FOR INTERVENTION APPLICATION ON IA 91653/2017
FOR INTERVENTION APPLICATION ON IA 91658/2017
FOR INTERVENTION APPLICATION ON IA 91667/2017
FOR INTERVENTION APPLICATION ON IA 91672/2017
FOR INTERVENTION/IMPLEADMENT ON IA 91692/2017
FOR INTERVENTION APPLICATION ON IA 91730/2017
FOR INTERVENTION APPLICATION ON IA 91737/2017
FOR INTERVENTION APPLICATION ON IA 91743/2017
FOR INTERVENTION APPLICATION ON IA 91751/2017
FOR INTERVENTION APPLICATION ON IA 91915/2017
FOR INTERVENTION APPLICATION ON IA 91918/2017
FOR INTERVENTION APPLICATION ON IA 91929/2017
FOR INTERVENTION APPLICATION ON IA 91934/2017
FOR INTERVENTION APPLICATION ON IA 91960/2017
FOR INTERVENTION APPLICATION ON IA 91988/2017
FOR INTERVENTION APPLICATION ON IA 92123/2017
FOR INTERVENTION APPLICATION ON IA 93209/2017
FOR INTERVENTION APPLICATION ON IA 94872/2017
FOR INTERVENTION APPLICATION ON IA 95331/2017
FOR INTERVENTION APPLICATION ON IA 95334/2017
FOR INTERVENTION APPLICATION ON IA 95374/2017
FOR INTERVENTION APPLICATION ON IA 95378/2017
FOR INTERVENTION APPLICATION ON IA 98385/2017
FOR INTERVENTION APPLICATION ON IA 98390/2017
FOR INTERVENTION APPLICATION ON IA 98587/2017
FOR INTERVENTION/IMPLEADMENT ON IA 98660/2017
FOR INTERVENTION APPLICATION ON IA 99968/2017
FOR INTERVENTION APPLICATION ON IA 100788/2017
FOR INTERVENTION APPLICATION ON IA 101725/2017
FOR INTERVENTION APPLICATION ON IA 101728/2017
FOR INTERVENTION APPLICATION ON IA 103667/2017
FOR INTERVENTION APPLICATION ON IA 103791/2017
FOR INTERVENTION APPLICATION ON IA 103799/2017

FOR INTERVENTION APPLICATION ON IA 104384/2017
FOR INTERVENTION APPLICATION ON IA 105185/2017
FOR INTERVENTION APPLICATION ON IA 105189/2017
FOR INTERVENTION APPLICATION ON IA 105291/2017
FOR INTERVENTION/IMPLEADMENT ON IA 105437/2017
FOR INTERVENTION APPLICATION ON IA 105588/2017
FOR INTERVENTION APPLICATION ON IA 105601/2017
FOR INTERVENTION APPLICATION ON IA 105616/2017
FOR INTERVENTION APPLICATION ON IA 105632/2017
FOR INTERVENTION APPLICATION ON IA 105646/2017
FOR INTERVENTION APPLICATION ON IA 105657/2017
FOR INTERVENTION APPLICATION ON IA 105668/2017
FOR INTERVENTION APPLICATION ON IA 105675/2017
FOR INTERVENTION APPLICATION ON IA 106004/2017
FOR INTERVENTION APPLICATION ON IA 106067/2017
FOR INTERVENTION APPLICATION ON IA 106074/2017
FOR INTERVENTION APPLICATION ON IA 106077/2017
FOR INTERVENTION APPLICATION ON IA 106080/2017
FOR INTERVENTION APPLICATION ON IA 106313/2017
FOR INTERVENTION APPLICATION ON IA 106316/2017
FOR INTERVENTION APPLICATION ON IA 106462/2017
FOR INTERVENTION APPLICATION ON IA 106467/2017
FOR INTERVENTION APPLICATION ON IA 106473/2017
FOR INTERVENTION/IMPLEADMENT ON IA 107191/2017
FOR PERMISSION TO FILE APPLICATION FOR DIRECTION ON IA 107196/2017
FOR INTERVENTION APPLICATION ON IA 107233/2017
FOR INTERVENTION APPLICATION ON IA 107239/2017
FOR INTERVENTION APPLICATION ON IA 107245/2017
FOR INTERVENTION APPLICATION ON IA 107464/2017
FOR INTERVENTION APPLICATION ON IA 108587/2017
FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 108822/2017
FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 108851/2017
FOR INTERVENTION APPLICATION ON IA 109169/2017
FOR INTERVENTION APPLICATION ON IA 109671/2017
FOR INTERVENTION APPLICATION ON IA 109954/2017
FOR INTERVENTION APPLICATION ON IA 110321/2017
FOR INTERVENTION APPLICATION ON IA 110327/2017
FOR INTERVENTION APPLICATION ON IA 110460/2017
FOR INTERVENTION APPLICATION ON IA 110469/2017
FOR INTERVENTION APPLICATION ON IA 110474/2017
FOR INTERVENTION APPLICATION ON IA 110480/2017
FOR INTERVENTION APPLICATION ON IA 110486/2017
FOR CLARIFICATION/DIRECTION ON IA 110495/2017
FOR INTERVENTION APPLICATION ON IA 110529/2017
FOR INTERVENTION APPLICATION ON IA 112057/2017
FOR INTERVENTION APPLICATION ON IA 112299/2017
FOR INTERVENTION APPLICATION ON IA 112302/2017
FOR CLARIFICATION/DIRECTION ON IA 115336/2017
FOR INTERVENTION APPLICATION ON IA 115553/2017
FOR INTERVENTION APPLICATION ON IA 118696/2017

FOR INTERVENTION APPLICATION ON IA 118816/2017
FOR INTERVENTION APPLICATION ON IA 118820/2017
FOR INTERVENTION APPLICATION ON IA 121640/2017
FOR CLARIFICATION/DIRECTION ON IA 121642/2017
FOR INTERVENTION/IMPLEADMENT ON IA 122293/2017
FOR INTERVENTION/IMPLEADMENT ON IA 122885/2017
FOR INTERVENTION/IMPLEADMENT ON IA 123118/2017
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 123121/2017
FOR INTERVENTION/IMPLEADMENT ON IA 123125/2017
FOR CLARIFICATION/DIRECTION ON IA 123132/2017
FOR INTERVENTION APPLICATION ON IA 128729/2017
FOR INTERVENTION APPLICATION ON IA 128733/2017
FOR INTERVENTION APPLICATION ON IA 128737/2017
FOR INTERVENTION APPLICATION ON IA 129762/2017
FOR INTERVENTION APPLICATION ON IA 129768/2017
FOR INTERVENTION APPLICATION ON IA 130015/2017
FOR INTERVENTION/IMPLEADMENT ON IA 133342/2017 and IA
No.139531/2017-INTERVENTION APPLICATION and IA No.139538/2017-
APPROPRIATE ORDERS/DIRECTIONS and IA No.139563/2017-INTERVENTION
APPLICATION and IA No.139640/2017-INTERVENTION APPLICATION and IA
No.139860/2017-INTERVENTION APPLICATION and IA No.139971/2017-
impleading party and IA No.140009/2017-INTERVENTION APPLICATION and
IA No.141166/2017-INTERVENTION APPLICATION and IA No.141261/2017-
INTERVENTION APPLICATION and IA No.141461/2017-INTERVENTION
APPLICATION and IA No.368/2018-CLARIFICATION/DIRECTION and IA
No.373/2018-INTERVENTION APPLICATION and IA No.657/2018-
INTERVENTION APPLICATION and IA No.814/2018-INTERVENTION
APPLICATION and IA No.3435/2018-impleading party and IA
No.4267/2018-INTERVENTION APPLICATION and IA No.4504/2018-
PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.4540/2018-
APPLICATION FOR SUBSTITUTION and IA No.4543/2018-APPLICATION FOR
SUBSTITUTION and IA No.7259/2018-INTERVENTION APPLICATION and IA
No.9367/2018-INTERVENTION APPLICATION and IA No.11441/2018-
INTERVENTION APPLICATION and IA No.12896/2018-impleading party and
IA No.13046/2018-SEEKING CUSTODY CERTIFICATE and IA No.13047/2018-
CLARIFICATION/DIRECTION and IA No.13348/2018-INTERVENTION
APPLICATION and IA No.13745/2018-INTERVENTION APPLICATION and IA
No.15024/2018-INTERVENTION APPLICATION and IA No.15342/2018-
INTERVENTION APPLICATION and IA No.18089/2018-INTERVENTION
APPLICATION and IA No.18092/2018-INTERVENTION APPLICATION and IA
No.18095/2018-INTERVENTION APPLICATION and IA No.18103/2018-
INTERVENTION APPLICATION and IA No.20867/2018-APPROPRIATE
ORDERS/DIRECTIONS and IA No.21057/2018-INTERVENTION APPLICATION and
IA No.22112/2018-APPROPRIATE ORDERS/DIRECTIONS and IA
No.22801/2018-INTERVENTION APPLICATION and IA No.23251/2018-
PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.23380/2018-
INTERVENTION APPLICATION and IA No.23533/2018-INTERVENTION
APPLICATION and IA No.23580/2018-CLARIFICATION/DIRECTION and IA
No.23734/2018-impleading party and IA No.23736/2018-impleading
party and IA No.23739/2018-impleading party and IA No.23751/2018-

impleading party and IA No.23754/2018-impleading party and IA No.23839/2018-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.23875/2018-impleading party and IA No.23876/2018-CLARIFICATION/DIRECTION)

C.A. No. 15493/2017 (XVII)
(IA No.77581/2017-CONDONATION OF DELAY IN FILING and IA No.77582/2017-CLARIFICATION/DIRECTION and IA No.78654/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.82788/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

C.A. No. 9391-9404/2017 (XVII)
(FOR
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 60512/2017
FOR impleading party ON IA 98431/2017
FOR INTERVENTION/IMPLEADMENT ON IA 98431/2017)
SLP(C) No. 30997/2017 (XVII)
(FOR ADMISSION and I.R.)

Date : 16-02-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR

Mr. Pawanshree Agrawal, Adv. [A.C.]
Mr. Varun K. Chopra, Adv.

For Appellant(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
for
Mr. E.C. Agrawala, Adv.

Ms. Priyanjali Singh, AOR
Mr. Rahul Rathore, Adv.
Mr. Karunesh, Adv.

Mr. Shubhranshu Padhi, AOR

Mrs. Rachana Joshi Issar, Adv. AOR
Ms. Vandana Mishra, Adv.
Ms. K. Vijayanthi, Adv.
Mr. Shailabh Pandey, Adv.
Mr. Daves Vashishtha, Adv.

- 6 -

Mr. Deepak Goel, AOR

Mr. Rahul Shyam Bhandari, AOR

For Respondent(s)/
Applicant (s)

Mr. B.P. Patil, Sr. Adv.
Mr. V. Balachandran, Adv.
Mr. K.R. Vasudevan, Adv.
Mr. Siddharth Naidu, Adv.
for
M/s. K.S.N. & Co., Advs.

Mr. Rajiv Nanda, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balaramdas, Adv.

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, ,Adv.

Mr. Saurabh Kripal, Adv.
Ms. Snehil Sonam, Adv.

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

Mr. B. Ragunath, Adv.
Mr. N.C. Kavitha, Adv.
Mr. P. Sriram, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
For
M/s. Nuli & Nuli, Advs.

Mr. S.S. Ray, Adv.
Mr. Amitabh Chauterbadi, Adv.
Mr. Vaibhav Gulia, Adv.
Ms. Rakhi Ray, Adv.

Mrs. Prabha Swami, Adv.
Ms. Divya Swami, Adv.
Mr. Nikhil Swami, Adv.

Mr. Aneesh Mittal, Adv.

Mr. Kaushik Choudhury, Adv.
Mr. Siddharth Jain, Adv.
Mr. T.N. Durga Prasad, Adv.
Mr. Akarsh Garg, Adv.

Mr. Saurabh Jain, Adv.
Mr. P.K. Jain, Adv.

Mr. Partha Sil, Adv.
Mr. Tavish B. Prasad, Adv.

Mr. Ishan Sanghi, Adv.

Ms. Sanya Talwar, Adv.

Mr. Prabhat Ranjan Raj, Adv.
Mr. Amit Dhaua, Adv.
Ms. Apoorva Malik, Adv.
Mr. Shantanu Sagar, Adv.

Ms. Kirti R. Mishra, Adv.
Ms. Apurva Upmanyu, Adv.

Mr. Gopal Jha, Adv.
Mr. N.K. Sharma, Adv.
Mr. Shiv Ram Pandey, Adv.
Mr. Chandan Kr. Mandal, Adv.

Mr. Tara V. Ganju, Adv.

Mr. Abhik Kumar, Adv.

Mr. Devendra Singh, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Narsingh N. Rai, Adv.

Mr. Rashmi Bansal, Adv.

Mr. Khomaja Siddiqui, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Arup Sinha, Adv.

Mr. Akshat Agarwal, Adv.
Mr. Prateek Gupta, Adv.
Mr. R. Satish, Adv.

Mr. Ajay Jain, Adv.
Mr. Jinendra Jain, Adv.
Mr. Pranay Jain, Adv.
Mr. Brijesh Yadav, Adv.
Mr. Chirag Aneja, Adv.

Mr. Vishnu Sharma, Adv.
Ms. Sonika Tyagi, Adv.

Mr. Deepak Tyagi, Adv.
Mr. K.K. Gautam, Adv.
Mr. R.P. Goyal, Adv.

Mr. Anant Bhushan, Adv.

Mr. Awanish Kumar, Adv.
Mr. S.K. Pandey, Adv.
Mr. Chandras W., Adv.
Mr. Anshul Rai, Adv.
Mr. Ruchit Duggar, Adv.

Ms. Vibha Mahajan, Adv.
Ms. Upasana Nath, Adv.

Mr. narendra Prasad, Adv.
Mr. Anil Punj, Adv.
Mr. Krishna Yadav, Adv.
Mr. Krishna Kumar Singh, Adv.

Mr. Vijay Kumar Sharma, Adv.
Mr. Aditya Kumar Sinha, Adv.
Mr. Vivek Kumar Singh, Adv.
Mr. Narendra Singh Yadav, Adv.

Mr. Faheem Shah, Adv.
Mr. Vaibhav Suri, Adv.

Ms. Garima Prasad, Adv.

Mr. Devesh Kumar Tripathi, Adv.
Mr. Shish pal Laler, Adv.
Mr. Sonit Sinhmar, Adv.

Mr. Akshat Shrivastava, Adv.
Mrs. Pooja Shrivastava, Adv.
Mr. Indrajeet Yadav, Adv.

Mr. Robin R. David, Adv.
Mr. Chitranshul A. Sinha, Adv.
Ms. Sonali Khanna, Adv.
for
M/s. Dua Associates, Adv.

Mr. Gyanendra Kumar, Adv.
Ms. Jyoti Dastidar, Adv.
Ms. Vanshika Mohta, Adv.
for
M/s. Cyril Amarchand Mangaldas, Adv.

Ms. Shobha, Adv.
Mr. Satyam Jyoti Saikia, Adv.
Mr. Sourav Roy, Adv.

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

S.L.P.(Cr1.)Nos.5978-5979/2017 etc.

In view of the order dated 29th January 2018, Mr. Ramachandran, Managing Director, M/s. Omshakthy Agencies (Madras) Private Limited has appeared in Court. It is his submission that he has signed a Memorandum of Understanding (MOU) on behalf of the company with M/s. Unitech Ltd. and is prepared to deposit Rs.90 crores by 31st March 2018 out of Rs.400 crores for which the MOU has been signed. Let him deposit Rs.90 crores on or before 31st March 2018 before this Court failing which he will liable for contempt of this Court.

As far as I.A.Nos.4540/2018 and 4543/2018 are concerned, Mr. M.L. Lahoty, learned counsel appearing for the applicant(s) would submit that there are three projects, namely, Unitech Amber; Unitech Burgundy; and Unitech Willows which have been launched and if they are auctioned, M/s. Unitech Ltd. will have a surplus amount of Rs.1000 crores after satisfying all the dues. It is also submitted by him that there are persons who are interested to take possession of their flats in those projects.

Mr. Pawanshree Agrawal, learned Amicus Curiae would submit that if the persons are interested in taking possession of the flats he shall remove their names from the list of consumers seeking refund and put them in the category of persons expressing their intention to have the possession of the flats.

Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners in S.L.P.(Cr1.)Nos.5978-5979/2017 prays for a week's time to obtain instructions in the matter and file reply to the abovementioned applications.

Call on 05th March 2018.

As far as the civil appeals listed today are concerned, they are de-tagged and shall be listed on 23rd February 2018 along with C.A.Nos.17008/2017 and 16858/2017.

In the meantime, Mr. Pawanshree Agrawal, shall compute the principal sum due to the appellants with the assistance of the counsel appearing for the appellants in respective appeals and serve a copy to Mr. Bhandari, learned counsel assisting Mr. Ranjit Kumar, learned senior counsel appearing on behalf of M/s. Unitech Ltd.

We have so directed as the persons who are entitled to the amount as per the judgment and order passed by the National Consumer Disputes Redressal Commission (NCDRC) can be given some amount out of the amount that has been deposited before this Court.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar