

ITEM NO.38

COURT NO.1

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.10851/2016

ARVIND KUMAR GUPTA

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

(With appln.(s) for clarification /direction)

WITH C.A. Nos.2511-2526/2017 (XVII)

(With appln.(s) for extension of time)

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

(With appln.(s) for clarification /direction)

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

C.A. No. 15493/2017 (XVII)

(With appln.(s) for c/delay in filing, clarification/direction,
permission to file additional documents)

C.A. No. 17008-17011/2017 (XVII)

a(With appln.(s) for exemption from filing c/c of the impugned
judgment, permission to file additional documents, appropriate
orders/directions and clarification/direction)

C.A. No. 9391-9404/2017 (XVII)

(With appln.(s) for appropriate orders/directions, impleading party
and intervention/impleadment)

C.A. No. 11008/2017 (XVII)

a(With appln.(s) for exemption from filing c/c of the impugned
judgment, intervention/impleadment, appropriate orders/directions
and deleting the name of respondent)

C.A. No. 16858/2017 (XVII)

a(With appln.(s) for permission to file appeal, impleading party
and transposition)

S.L.P.(C) No.30997/2017 (XVII)

(For interim relief)

C.A. No.20003/2017 (XVII)

a(With appln.(s) for c/delay in filing, exemption from filing c/c
of the impugned judgment, c/delay in refiling and appropriate
orders/directions)

Date : 12-03-2018 This appeal was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**

**Mr. Pawanshree Agrawal, Adv. (A.C.)
Mr. Nakul Jain, Adv.**

For Appellant(s)

Ms. Priyanjali Singh, AOR

**Mr. Kush Chaturvedi, Adv.
Mr. Shubhranshu Padhi, AOR**

Mr. Deepak Goel, AOR

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

**Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anshu Sripal, Adv.
Mr. Himanshu Shekhar, AOR**

**Mr. Sumesh Dhawan, Adv.
Mr. Rahul Shyam Bhandari, AOR
Ms. Vatsala Kak, Adv.
Ms. Prarthana Singh, Adv.**

Mr. Awanish Kumar, AOR

For Respondent(s)

**Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, adv.
Mr. Abhinav Agrawal, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Gaurav Jain, Adv.
Mr. Atul Malhotra, Adv.
Mr. E. C. Agrawala, AOR**

Mr. Rahul Kaushik, AOR

Mr. Avinash Sharma, AOR

Ms. Aswathi M.k., AOR

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

On 16th February, 2018, in S.L.P.(Cr1.) Nos.5978-5979/2017, after due deliberation, this Court had passed the following order:-

"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."

It is submitted by Mr. Pawanshree Agarwal, learned Amicus Curiae that Rs.38,00,00,000/- (Rupees thirty-eight crores only) is lying in deposit before this Court in S.L.P. (Cr1.) Nos.5978-5979/2017. He will prepare a chart indicating the consumers who have succeeded before the National Consumer Disputes Redressal Commission (NCDRC), but for some grievance or the other, their appeals are pending before this Court. He shall give the chart to the Registry indicating the principal amount and also the *pro rata* sum. The Registry shall disburse the amount of Rs.38,00,00,000/- (Rupees thirty-eight crores only) along with the interest accrued thereon, that is lying in deposit before the Registry of this Court, to the said consumers on *pro rata* basis.

Mr. Pawanshree Agarwal shall not include any claimant or consumer, who has put forth a claim with regard to interest, for presently we are only concerned with the refund of the principal amount.

Let the civil appeals be listed on 9th April, 2018.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar