

ITEM NO.2

COURT NO.6

SECTION IV

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

Miscellaneous Application No.50/2019 in C.A. No(s).8788/2015

RAMESHWAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

(STATUS REPORT RECEIVED.

IA No. 2254/2019 - EXTENSION OF TIME)

WITH

MA 864/2019 in C.A. No. 8788/2015 (IV)

(IA No.68542/2019-APPROPRIATE ORDERS/DIRECTIONS

IA No. 68542/2019 - APPROPRIATE ORDERS/DIRECTIONS)

MA 1046/2019 in C.A. No. 8788/2015 (IV)

(IA No. 73379/2019 - APPLICATION FOR PERMISSION

IA No. 73380/2019 - CLARIFICATION/DIRECTION)

MA 1175/2019 in C.A. No. 8788/2015 (IV)

(IA No.93822/2019-CLARIFICATION/DIRECTION)

Diary No(s). 24553/2019 (IV)

Diary No(s). 26552/2019 (IV)

(IA No. 110995/2019 - CLARIFICATION/DIRECTION)

Date : 11-09-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE VINEET SARAN

For Parties:

Mr. Rohit K. Aggaral, Adv.

Mr. Abhishek Singh AOR

Mr. Pinaki Mishra, Sr. Adv.

Mr. Parijat Kishore, AOR

Mr. Nischal Gupta, Adv.

Mr. Deepak Dhingra, Adv.

Mr. Brijender Chahar, Sr. Adv.
 Mr. Shashi Bhushan, Adv.
 Mr. Karan Chahar, adv.
 Ms. Jyoti Chahar, Adv.
 Mr. Vinay Garg, Adv.

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

Mr. Alok Sangwan, Adv.
 Dr. Monika Gusain, AOR

Mr. C.U. Singh, Sr. Adv.
 Mr. Randeep Rai, Sr. adv.
 Mr. Harsh Bungar, Adv.
 Ms. Ruby Singh Ahuja, Adv.
 Ms. Deepti Sarin, Adv.
 Mr. Sanjeet Ranjan, Adv.
 M/s Karanjawala & co., AOR

Mr. Somesh Arora, Adv.
 Ms. Ranjeeta Rohatgi, Adv.
 Ms. Sherry Gupta, Adv.
 Mr. Aviral Kashyap, AOR

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

Mr. K.M. Nataraj, ASG
 Mr. Sachin Sharma, Adv.
 Mr. Rajan Kr. Chourasia, Adv.
 Mr. Amit Sharma, Adv.
 Mr. A.K. Sharma, AOR

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. Ankur Saigal, Adv.
 Mr. Himanshu Satija, Adv.
 Mr. E.C. Agrawala, AOR

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

MA No.50/2019 in C.A. No(s).8788/2015, MA No.864/2019 in C.A. No(s).8788/2015 & Diary No(s). 24553/2019

Mr. M.L.Lahoty, learned advocate relied upon Pare 42.8 of the judgment of this Court dated 12.3.2018 in Rameshwar & Ors. vs. State of Haryana & Ors., [(2018) 6 SCC 215] (C.A.Nos.8788 of 2015 and all other connected matters.) The application recites all the necessary averments and submits that though claims were preferred by various allottees, the matter has not yet been finalised by HSIIDC.

Mr. Alok Sangwan, learned advocate for HSIIDC submits that the promoters of ABW Infrastructure Pvt. Ltd. are facing criminal proceedings and after they were bailed out, they have since then been absconding. He further submits that the liquidation proceedings are presently undertaken in respect of the corporate entity and as such there is no record available from the side of the builders on the basis of which claims preferred by various allottees could be checked.

We permit the officials of HSIIDC to make suitable requisition; (1) to the office of the CBI, if the record pertaining to such builders are presently lying with the CBI or; (2) to the office of the Official Liquidator, in case the records have been taken by it. But in any case, the record must be made available to HSIIDC and claims preferred by the allottees must be checked in every respect.

The Bank details given by the allottees in respect of various payments can also be relied upon to make an independent assessment.

In case any such request is made by HSIIDC, all the concerned banks must render complete assistance and provide all the material and the required data.

After getting all these particulars, HSIIDC shall prepare a final statement as to the status and various amounts deposited by the concerned allottees which shall then become the basis for planning a Road Map in future.

At the request of Mr. Sangwan, time of six weeks is granted by way of last chance to complete the process and file appropriate affidavit in this Court.

It appears that in connection with the project launched by Innovation Infra Developers Pvt. Ltd., similar difficulties are being faced by HSIIDC and out of 91 claims that have been preferred by the allottees, the concerned builder could verify only one claim out of 91 claims and there is hardly any cooperation from his end. We permit HSIIDC to make a requisition from the concerned builder and the concerned builder is directed to provide all the relevant data within one week.

List the matter on 21.10.2019.

MA 1046/2019 in C.A. No. 8788/2015

At the request of Mr. Sangwan, further time of two weeks is granted to file appropriate affidavit in reply. Rejoinder, if any, be filed within two weeks thereafter.

List on 14.10.2019.

MA 1175/2019 in C.A. No. 8788/2015

Issue notice on I.A. No.93822/2019.

Mr. Mukul Rohatgi, learned Senior Advocate appearing for respondent on caveat accepts notice and prays for and is granted four weeks to file affidavit in reply.

List on 14.10.2019.

Diary No(s). 26552/2019

Issue notice.

Mr. C.U. Singh, learned Senior Advocate appearing for Respondent No.3, instructed by M/s Karanjawala & Co., prays for and is granted two weeks to file counter affidavit. Mr. Sangwan, learned advocate who is present in the Court also accepts notice on behalf of HSIIDC and prays for and is granted similar accommodation to prefer response. Rejoinder, if any, be filed within two weeks thereafter.

List on 14.10.2019.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER