

ITEM NO.301

COURT NO.4

SECTION XVII-A

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.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(With appln.(s) for IA No.50683/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.50706/2021 - APPROPRIATE ORDERS/ DIRECTIONS, IA No.116163/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.81663/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.57580/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.112090/2021 - INTERVENTION, IA No.79304/2020 - INTERVENTION, IA No.50704/2021 - INTERVENTION/IMPLEADMENT, IA No.81660/2021 - INTERVENTION/IMPLEADMENT, IA No.57581/2021 - INTERVENTION/IMPLEADMENT and IA No.5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH S.L.P.(Cr1) Nos.5978-5979/2017 (II-C)

Date : 10-11-2021 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE M.R. SHAH

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

MA Diary No 27021 of 2021 in CA No 317 of 2021

- 1 On mentioning, the Miscellaneous Application is taken on Board.

- 2 The order of this Court dated 25 August 2021 requiring the refund of consideration together with interest has not been complied with.
- 3 Mr N Venkataraman, learned Additional Solicitor General has appeared in support of the Miscellaneous Application with Ms Anubha Agarwal, learned counsel. Mr C S Vaidyanathan, learned senior counsel appears on behalf of the respondent.
- 4 Mr C S Vaidyanathan, learned senior counsel states that the amount due in pursuance of the order of this Court will be paid over, but a short extension of three weeks is required.
- 5 Having regard to the time which has elapsed, we deem it appropriate to grant time until 24 November 2021 to the respondent to report compliance. In the event that the present direction is not complied with, this Court would be constrained to initiate contempt proceedings and require the personal presence of the Chairman and Managing Director/CEO of the respondent. In order to furnish a bona fide opportunity to the respondent to comply, we dispose of the Miscellaneous Application with a direction that the amount due and payable in terms of the order of this Court dated 25 August 2021 shall be paid over before 24 November 2021. Failing compliance, liberty to the applicant to apply for revival of the Miscellaneous Application.
- 6 The Miscellaneous Application is accordingly disposed of.

SLP (Crl) Nos 5978-5979 of 2017

- 1 The Joint Director in the Serious Fraud Investigation Office has filed an affidavit to which a status report on the investigation has been annexed as Annexure P-1 in a sealed cover.
- 2 We have perused the status report dated 8 November 2021 in respect of the investigation which has been conducted by the SFIO. The affidavit as well as the status report shall be retained in a sealed cover. The investigation before the SFIO shall continue. A further status report shall be filed immediately upon the expiry of four weeks from the date of this order.
- 3 On the request of Ms Madhavi Divan, learned Additional Solicitor General, we clarify that the status report of the investigation may be shared by the SFIO with the competent authority in the Enforcement Directorate so as to ensure that the investigations are properly coordinated.
- 4 Ms Madhavi Divan submits that by the next date of listing, the report of the Enforcement Directorate shall also be placed on the record in a sealed cover.
- 5 Mr K M Nataraj, learned Additional Solicitor General appearing on behalf of the Delhi Police states that on 12 October 2021, an FIR has been registered against 37 accused for offences punishable under Sections 7, 8 and 12 of the Prevention of Corruption Act and Sections 201 and 120B of the Indian Penal Code. Investigations are under way.

- 6 By the previous order of this Court, the Union Ministry of Home Affairs was directed to respond to the suggestions contained in paragraph 38 including paragraphs 38.1 to 38.3 of the report of the Commissioner of Police and to take necessary steps immediately in terms of the report for enhanced prison management. Moreover, this Court directed that necessary remedial steps shall be taken up immediately and an action plan shall be drawn up which shall be placed before the Court for implementing the suggestions and recommendations. The Court had granted four weeks' time for reporting compliance and for an action plan to be submitted to this Court. The Court also directed that the process of compliance shall not be delayed on that ground. Neither has any action plan been presented to the Court nor has the Court been apprised of what steps have been taken by the Union Ministry of Home Affairs.
- 7 The learned Additional Solicitor General states that since there are multiple recommendations, the process of considering them is being carried out. Having regard to the urgent need for prison reforms and enhanced prison management, comprehensive suggestions are contained in the report submitted by the Police Commissioner, Delhi Police. We direct the Secretary in the Ministry of Home Affairs to take necessary steps in pursuance of paragraphs 3 and 4 of the previous order of this Court dated 6 October 2021.
- 8 An affidavit indicating the steps taken shall be filed by the concerned Secretary in the Ministry of Home Affairs within a period of three weeks.

- 9 List the Special Leave Petitions along with IA No 135050 of 2021 on 9 December 2021 at 3.00 pm.

Civil Appeal No 10856 of 2016

- 1 The following Interlocutory Applications shall be taken up seriatim on 17 November 2021 at 3.30 pm:

- (i) IA No 58386/2021, 105758/2021 & 96273/2021
(Priyadarshini Foundation Pvt Ltd)
- (ii) IA Nos 88960/2020 & 47525/2021 (M/s Devas Global)
- (iii) IA Nos 57580/2021 & 57581/2021 (APIIC)
- (iv) IA Nos 83599/2020, 72200/2018, 72138/2018 & 72189/2020
(Applications for withdrawal)

- 2 The Registry shall ensure that the files only in respect of the above Interlocutory Applications pertaining to four parties are duly scanned and made available to the Court in advance.

- 3 List the Interlocutory Applications on 17 November 2021 at 3.30 pm.

Office Report dated 8 November 2021 in SLP(Crl) Nos 5978-5979 of 2017

- 1 The office report indicates that FDRs, bearing A/c No 1303-L and 1303-W, are maturing on 25 November and 26 November 2021 respectively. The FDRs be renewed for a further period of six months and three months respectively.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master