

ITEM NO.301

COURT NO.2

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(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA No. 12105/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 68319/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 97388/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 96264/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 152952/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 80954/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50706/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 77813/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50683/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 77795/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 100079/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 104097/2021 - CLARIFICATION/DIRECTION
 IA No. 104016/2021 - CLARIFICATION/DIRECTION
 IA No. 70286/2020 - CLARIFICATION/DIRECTION
 IA No. 134992/2020 - EARLY HEARING APPLICATION
 IA No. 103121/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 81090/2020 - INTERVENTION APPLICATION
 IA No. 104094/2021 - INTERVENTION APPLICATION
 IA No. 77802/2022 - INTERVENTION APPLICATION
 IA No. 79304/2020 - INTERVENTION APPLICATION
 IA No. 104012/2021 - INTERVENTION APPLICATION
 IA No. 77794/2022 - INTERVENTION APPLICATION
 IA No. 70271/2020 - INTERVENTION APPLICATION
 IA No. 100070/2021 - INTERVENTION/IMPLEADMENT
 IA No. 12103/2020 - INTERVENTION/IMPLEADMENT
 IA No. 153005/2021 - INTERVENTION/IMPLEADMENT
 IA No. 100828/2019 - INTERVENTION/IMPLEADMENT
 IA No. 96157/2021 - INTERVENTION/IMPLEADMENT
 IA No. 103115/2022 - INTERVENTION/IMPLEADMENT
 IA No. 80947/2020 - INTERVENTION/IMPLEADMENT
 IA No. 50704/2021 - INTERVENTION/IMPLEADMENT
 IA No. 47795/2021 - INTERVENTION/IMPLEADMENT
 IA No. 68334/2022 - INTERVENTION/IMPLEADMENT
 IA No. 5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND
 GROUNDS)

WITH

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

(IA No. 85172/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 118046/2018 - CLARIFICATION/DIRECTION, IA No. 83361/2020 -

INTERVENTION APPLICATION)**SLP(C) No. 9572/2007 (XI)****(IA No. 162939/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 35051/2019 - CLARIFICATION/DIRECTION, IA No. 12/2013 - EXEMPTION FROM FILING O.T., IA No. 118081/2019 - INTERVENTION APPLICATION, IA No. 10/2013 - PERMISSION TO FILE ANNEXURES, IA No. 9/2011 - PERMISSION TO FILE ANNEXURES, IA No. 13/2016 - PERMISSION TO FILE ANNEXURES, IA No. 11/2013 - PERMISSION TO FILE ANNEXURES)****Date : 13-10-2022 These matters were called on for hearing today.****CORAM :****HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
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UPON hearing the counsel the Court made the following
O R D E R

IA No 143717 of 2022

- 1 Following the resignation of four directors, the strength of the Board of Directors appointed by the Union Government has come down to four.
- 2 The IA has been moved by the Union Government for filling up the vacancies.
- 3 Presently, the Union Government is permitted to appoint Ms Uma Shankar, former Executive Director, Reserve Bank of India on the government appointed Board of Unitech Limited.

- 4 IA is accordingly disposed of.
- 5 Liberty to the Union Government to move this Court afresh for filling up the remaining vacancies.

Issue of refunds to FD holders and Home buyers of the age group 65-75 years and above 75 years

- 6 In his report dated 8 October 2022, Justice Abhay Manohar Sapre has classified the FD holders and Home buyers into three separate lists which are as follows:

“List - A	Cases where the Medical Professionals were of the view that these cases did not qualify to be treated as cases of Medical Exigencies.
List - B	Cases where the supporting documents were examined and the cases were found to be eligible under Medical Exigencies.
List - C	Cases where the applicants had not submitted/ uploaded any documents in support of their Medical Conditions.”

- 7 Those persons who fall within List A were given a further opportunity of presenting their submissions on a virtual platform. Ultimately, Justice Sapre has recommended as follows:

“LIST A

A1	Homebuyer applicants falling under List A who have been allowed refund either in full or in part out of 272 (both virtually heard and not heard) (90+46)	136	Rs.52.57 Cr.
A2	Homebuyer applicants falling under List A who have not been recommended for refund for reasons mentioned in Para 18(ii) above.	136	0.00

LIST B

B	Homebuyer applicants who were found eligible on the grounds of Medical Exigencies by the doctor(s) with whom I concurred and hence recommended full refund	84	Rs. 31.23 Cr.
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LIST C

C	Homebuyer applicants not considered due to non-compliance of Supreme Court orders in not filing/uploading any supporting medical documents with their applications	172	0.00
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Conclusion

	Total No. of Homebuyer applicants cases dealt with (272+84+172)	528	
	Total No. of Homebuyer applicants under List A and B to whom Refunds allowed (136+84)	220	Rs.83.80 Cr.
	Homebuyer applicants who have not been recommended for refund under List A and Homebuyer applicants falling under C whose refund claims are not considered due to non-compliance of Supreme Court orders (136+172)	308	0.00"

8 A list of 220 Home buyers who have been recommended for full refund has been annexed at Annexure 12 of the Report.

9 The recommendation is accepted.

10 The disbursement of the amount of Rs 83.80 crores to 220 Home buyers shall be subject to the following conditions:

(a) The full refund once made by the company to eligible Home buyers on the

ground of medical exigency be considered as being so made “in full and final satisfaction of their claims”;

- (b) There shall be only full refund of principal amount and no claim of interest on principal amount would henceforth survive and they shall have no claim of any nature against the Unitech Group in future;
 - (c) Apartment/Units/Plots etc. which were allotted to them against their deposits shall henceforth form a part of the unsold inventory of Unitech Group;
 - (d) The refund of the principal amount would be made after deducting the amount of service tax which has been deposited by the company with the Government; and
 - (e) In those cases where the home buyers have taken loans from banks or financial institutions, the disbursal shall be made directly to the concerned banks/financial institutions, upon which the lien on the units which have been sold shall stand released. Any balance that remains after satisfying the claim of the banks/financial institutions shall be paid over to the home buyers.
- 11 To facilitate the disbursal of an amount of Rs 83.80 crores to the Home buyers, the following directions are, in addition, issued:
- (i) The Registry of this Court shall, within two weeks, disburse an amount of Rs 83.80 crores out of the amount which is lying in deposit by electronic transfer to the authorized account of Unitech Limited operated by the Government appointed Board of Management;
 - (ii) The details of the bank account of Unitech Limited and all required details

for facilitating disbursal shall be made available to the Registry within a period of one week; and

- (iii) The Government appointed Board of Management of Unitech Limited shall disburse the amounts to Home buyers as directed in the recommendations submitted by Justice Abhay Manohar Sapre, upon the submission of advance receipts together with the surrender of all documents and upon due verification of identity. The disbursal shall be made by the Board of Management within a period of one month from the date of the receipt of funds from the Registry of this Court.

12 The Court will consider the issue of the disbursal of the amounts recommended in the Report of Justice Abhay Manohar Sapre to fixed deposit holders on account of medical emergencies on the next date of listing.

Civil Appeal Nos 10856/2016 and SLP(Crl) Nos 5978-5979/2017

List the following on 16 November 2022 at 3 pm:

- (i) Report submitted by Mr Justice Abhay Manohar Sapre;
- (ii) Action Taken Report III, IV, V & VI;
- (iii) Issue of refund of the FD holders on account of medical emergencies;
- (iv) Status Report of DG (Prisons);
- (v) IA Nos 45753 of 2021 and 45760 of 2021;
- (vi) IA No 81090 of 2020 in Civil Appeal No 10856 of 2016;
- (vii) D.A. Kumar – IA Nos 97388 of 2020, 47795 of 2021 filed by Unitech and IA Nos 80954 of 2020 and 80947 of 2020 filed by D A Kumar;

- (viii) Carnoustie – IA Nos 50704 of 2021, 50706 of 2021 filed by Unitech and IA Nos 79304 of 2020, 5463 of 2021 filed by Carnoustie and IA No 118046 of 2018 in SLP (Cri) Nos 5978-5979 of 2017;
- (ix) IA No 50683 of 2021 in Civil Appeal No 10856 of 2016;
- (x) IA Nos 77794 and 77795 and 77802 and 77813 of 2022;
- (xi) IA Nos 12103/2020, 12105/2020, 70286/2020, 70271/2020, 134992/2020, 104012/2021, 104016/2021, 104094/2021 and 104097/2021;
- (xii) IA Nos 83361 of 2020 and 85172 of 2020;
- (xiii) IA No 100828 of 2019 in Civil Appeal No 10856 of 2016;
- (xiv) SLP(C) No 9572 of 2007 [*City Infrastructure India Pvt Ltd vs New Okhla Industrial Development Authority and Others*].
- (xv) IA Nos 96157 & 96264 of 2021, IA Nos 100070 & 100079 of 2021, IA Nos 153005 & 152952 of 2021, IA Nos 68334 & 68319 of 2022 and IA Nos 103121 & 103115 of 2022

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