

ITEM NO.20

COURT NO.1

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Cr1.) Nos.5978-5979/2017

(Arising out of impugned final judgment and order dated 11-08-2017 in BA No. 1573/2017 11-08-2017 in BA No. 1574/2017 passed by the High Court of Delhi at New Delhi)

SANJAY CHANDRA & ORS.

Petitioner(s)

VERSUS

STATE GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(With appln.(s) for exemption from filing certified as well as ordinary plain copy of the impugned order, substitution, appropriate orders/directions, clarification/directions, intervention, permission to appear and argue in person, permission to file SLP without certified/plain copy of impugned order, permission to place on record subsequent facts, recalling the Court's order and seeking custody certificate)

Date : 16-07-2018 These matters were 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, AOR (A.C.)
Mr. Varun K. Chopra, Adv.
Mr. Yashovardhan Oza, Adv.

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ansuman Srivastava, Adv.
Mr. Rajiv Kumar Virmani, Adv.
Mr. Atul Malhotra, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rajiv Nanda, Adv.
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Mr. Siddhant Kohli, Adv.

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Ms. Rinchen Wangmo, Adv.

Mr. Narender Prasad Yadav, Adv.
Mr. Yadav Narender Singh, AOR

Mr. Vineet Bhagat, AOR

Dr. Harish Uppal, Adv.
Mr. Titeswar Prasad, Adv.
Mr. Vasanth Bharani, Adv.
Mr. Vikas Mehta, AOR

Mr. Umang Shankar, AOR
Mr. Jalaj Agarwal, Adv.
Mr. Mohit Kumar Singh, Adv.

Mr. Vikas K. Singh, Adv.
Mr. Umang Tripathi, Adv.
Mr. T.N. Singh, AOR

Mr. T. Mahipal, AOR
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Mr. Sandeep Choudhary, Adv.

Mr. Anand Grover, Sr. Adv.
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Mr. Syed Jafar Alam, AOR

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Ms. Sujata Kurdukar, AOR

Ms. Sonal Jain, AOR

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Mr. Mohit Kumar, Adv.
Mr. Suvigya Vidyarthi, Adv.

Mr. S.S. Ray, Adv.
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Ms. Rakhi Ray, AOR
Mr. Amitabh Chaturvedi, Adv.

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Mr. Arjun Harkauli, Adv.

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Mr. Ghanshyam, Adv.

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Mr. Abhinav Shrivastava, Adv.
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Mr. Pramanand Yadav, Adv.

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

Dwaipayan Bhowmick, Adv.
Mr. Ashwini Jha, Adv.

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

In pursuance of our order dated 5th July, 2018, the petitioner has deposited a sum of Rs.10,00,000/- (Rupees ten lakhs only) with the Chairman of the Committee.

In the meantime, as directed earlier, the Committee has valued the property situated at Bangalore and submitted a report indicating that valuation of total property is Rs.97,69,50,000/- (Rupees ninety-seven crores sixty-nine lakhs fifty thousand only) as per fair market price. The share of the Unitech Limited in respect of the land in question, as has been valued, is Rs.49,17,84,000/- (Rupees forty-nine crores seventeen lakhs and eighty-four thousand only). It is not in dispute that the purchaser, namely, M/s. Devas Global Services LLP, has already given Rs.5,00,00,000/- (Rupees five crores only) to Unitech Limited, which has been deposited before this Court. It is submitted by Mr. Sajan Poovayya, learned senior counsel appearing for the willing purchaser that the applicant has applied for a loan to H.D.F.C. Bank and the bank has agreed to grant loan, subject to execution of the sale deed.

In view of the aforesaid, we direct M/s. Devas Global Services LLP to deposit Rs.43,17,84,000/- (Rupees forty-three crores seventeen lakhs eighty-four thousand only), after availing loan from the Bank, before the Registry

of this Court within ten days hence. In the meantime, the sale deed be executed under the supervision of the Committee. As per our last order, the willing purchaser has deposited Rs.1,00,00,000/- (Rupees one crore only) before the Registry of this Court, to show its bona fide. If the amount is not deposited, as directed herein-above, the sum of Rs.1,00,00,000/- (Rupees one crore only), which has been deposited by the willing purchaser shall stand forfeited. We request the Chairman of the Committee to see to it that the needful is done, as stated herein-above, within the time stipulated. In the meantime, the petitioners shall deposit a further sum of Rs.5,00,000/- (Rupees five lakhs only) with the Chairman of the Committee.

Mr. Anand Grover, learned senior counsel has submitted that an application has been filed on behalf of the Housing Development Financial Corporation Limited forming the subject matter of I.A. No.85237/2018. Let a copy of the said application be served on Mr. Abhimanyu Bhandari, learned counsel assisting Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the petitioners. Objections, if any, be filed before the next date of hearing.

It is submitted by Mr. R. Shrivastava, learned senior counsel, appearing on behalf of the applicant, namely, Wisdom World Developers Pvt. Ltd., that the applicant is willing to carry out the project, namely, United Golf and Country Club, to the fullest. The applicant is also prepared to pay the dues of NOIDA and LIC and the actual amount spent by Unitech Limited. Mr. Ranjit Kumar, learned senior counsel appearing for the petitioners intends to file an objection to the same. He may do so within a week hence, but notice has to be sent to NOIDA and LIC to have their perspective. For the said purpose, notice can only be sent if the applicant, namely, Wisdom World Developers Pvt. Ltd., deposits a sum of

Rs.15,00,00,000/- (Rupees fifteen crores only) before the Registry of this Court within a week hence. The Managing Director of the applicant-company shall remain personally present on the next date of hearing. If the amount is not deposited within the stipulated time, the Managing Director of the applicant-company shall face serious consequences.

In the course of hearing, it is submitted by Mr. M.L. Lahoty and Ms. Shobha, learned counsel appearing for some of the home buyers that this Court has directed that the possession of the flats can be taken by the home buyers, who intend to take the possession on 'as is where is basis'. It is urged by the learned counsel that they are inclined to take the possession but basic facilities are not provided by the developer and, therefore, the condition is not fit enough to be habitable. For instance, if a flat is on the 11th floor, there is no lift to go to that floor and there is no water supply.

In view of the aforesaid, we direct the petitioners to file a status report with regard to the projects where major part of the work is complete and suggest a plan how to complete the balance work. Let the status report be filed by the next date of hearing.

Let the matter be listed on 27th July, 2018.

(Chetan Kumar)
A.R. -cum-P.S.

(H.S. Parasher)
Assistant Registrar