

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.10856/2016

BHUPINDER SINGH

APPELLANT(S)

VERSUS

UNITECH LTD. & ORS.

RESPONDENT(S)

(IA No. 197127/2022 - APPLICATION FOR PERMISSION
IA No. 28098/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 9000/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 6512/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77795/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 197133/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 784/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 9494/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 268511/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 285819/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 116432/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 103040/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 50055/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 230949/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 39936/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77813/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 28791/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 204633/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 195481/2023 - CLARIFICATION/DIRECTION
IA No. 108721/2024 - CLARIFICATION/DIRECTION
IA No. 15231/2025 - CLARIFICATION/DIRECTION
IA No. 195495/2023 - CLARIFICATION/DIRECTION
IA No. 9002/2025 - EXEMPTION FROM FILING O.T.
IA No. 77802/2022 - INTERVENTION APPLICATION
IA No. 84255/2020 - INTERVENTION APPLICATION
IA No. 77794/2022 - INTERVENTION APPLICATION
IA No. 73989/2024 - INTERVENTION APPLICATION
IA No. 168870/2023 - INTERVENTION APPLICATION
IA No. 126367/2022 - INTERVENTION APPLICATION
IA No. 268510/2023 - INTERVENTION APPLICATION
IA No. 103038/2022 - INTERVENTION APPLICATION
IA No. 28819/2023 - INTERVENTION APPLICATION
IA No. 226381/2023 - INTERVENTION APPLICATION
IA No. 229008/2024 - INTERVENTION APPLICATION
IA No. 39884/2021 - INTERVENTION APPLICATION
IA No. 29922/2021 - INTERVENTION/IMPLEADMENT
IA No. 195494/2023 - INTERVENTION/IMPLEADMENT
IA No. 204632/2024 - INTERVENTION/IMPLEADMENT
IA No. 8716/2025 - INTERVENTION/IMPLEADMENT

IA No. 197129/2022 - INTERVENTION/IMPLEADMENT
IA No. 195479/2023 - INTERVENTION/IMPLEADMENT
IA No. 193610/2019 - INTERVENTION/IMPLEADMENT
IA No. 109760/2023 - INTERVENTION/IMPLEADMENT
IA No. 261621/2024 - INTERVENTION/IMPLEADMENT
IA No. 116430/2021 - INTERVENTION/IMPLEADMENT
IA No. 9001/2025 - INTERVENTION/IMPLEADMENT
IA No. 265325/2023 - PERMISSION TO ADD FURTHER ADDITIONAL PRAYERS
IN THE APPLICATION FOR DIRECTION
IA No. 11531/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

WITH

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

(IA No. 51000/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 152736/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 115357/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 7750/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 104324/2023 - CLARIFICATION/DIRECTION
IA No. 104330/2023 - CLARIFICATION/DIRECTION
IA No. 138307/2017 - INTERVENTION APPLICATION
IA No. 107245/2017 - INTERVENTION APPLICATION
IA No. 107233/2017 - INTERVENTION APPLICATION
IA No. 50999/2023 - INTERVENTION APPLICATION
IA No. 106004/2017 - INTERVENTION APPLICATION
IA No. 26898/2020 - INTERVENTION APPLICATION
IA No. 26890/2020 - INTERVENTION APPLICATION)

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

(IA No. 59997/2020 - CLARIFICATION/DIRECTION
IA No. 175609/2019 - CLARIFICATION/DIRECTION
IA No. 6057/2023 - MODIFICATION OF COURT ORDER

Date : 06-02-2025 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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Mrs. Praveena Gautam, Adv.
Mr. Raj Bahadur Yadav, AOR
Mrs. Ruchi Kohli, Adv.
Mr. Sughosh Subramaniam, Adv.
Mrs. Alka Agarwal, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Digvijay Dam, Adv.
Mrs. Nidhi Khanna, Adv.
Mr. Raman Yadav, Adv.
Mr. Santosh Kumar, Adv.
Ms. Sweksha, Adv.
Mr. Brijesh Yadav, Adv.

Petitioner-in-person, AOR
Mr. Syed Jafar Alam, AOR
Ms. Charu Mathur, AOR
Ms. S. Ramamani, AOR

Mr. Mandeep Kalra, AOR
Mr. Vaibhav Yadav, Adv.
Ms. Anushna Satapathy, Adv.
Ms. Radhika Jalan, Adv.
Mr. Yashas J, Adv.
Ms. Widaphi Lyngdoh, Adv.
Ms. Anchita Nayyar, Adv.
Ms. Shefali Tripathi, Adv.

Mr. Navneet R., AOR
Mr. Umang Shankar, AOR

Mr. Mukesh Kumar, AOR
Ms. Meenakshi Sood, Adv.
Mr. Adarsh Singh, Adv.

Ms. Kamakshi S. Mehlwal, AOR
Mr. Deepak Girdhar, Adv.
Ms. Geetanjali Mehlwal, Adv.
Mr. Sanveer Mehlwal, Adv.
Mr. Rinku Mathur, Adv.

Mr. Vikas Mehta, AOR
Mr. Sanjay Jain, AOR
Mr. Siddhartha Jha, AOR
Mr. Anirudh Sharma, AOR

Mr. Akshat Kumar, AOR
Mr. D.k. Rustagi, Adv.

Mr. Sriram P., AOR
Mr. Divyesh Pratap Singh, AOR
Ms. Manju Jetley, AOR
Mr. Nikilesh Ramachandran, AOR

Mr. Gaurav Goel, AOR

Mr. D. S. Chauhan, AOR
Ms. Ruchi Singh, Adv.
Mr. Shikher Badial, Adv.

Ms. Mithu Jain, AOR
Mr. Rohit Kumar Singh, AOR
M/S. Gorkela Law Office, AOR
Ms. Shriya Maini, AOR
Mr. Jinendra Jain, AOR
Mr. Deepak Goel, AOR

Mr. Shantanu Sagar, AOR
Mr. Prabhat Ranjan Raj, Adv.
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mrs. Divya Mishra, Adv.

Mr. Sonal Jain, AOR
Ms. Filza Moonis, AOR
Mr. Rajiv Ranjan Dwivedi, AOR
Mr. Roshan Santhalia, AOR

Ms. Harsh Lata, AOR
Ms. Gargi Bhatta Bharali, Adv.
Mr. Sharadendu Dwivedi, Adv.

Mr. Vivek Singh, AOR

Mr. Braj Kishore Mishra, AOR
Mr. Abhishek Yadav, Adv.
Mr. Ajay Kumar Srivastava, Adv.

Mr. Abhish Kumar, AOR
Mr. E. C. Agrawala, AOR

Mr. V. K. Monga, AOR
Ms. Gouri Monga, Adv.

Mr. Dhruv Tamta, AOR
Mr. Nishchay Dutt, Adv.

Mr. Arvind Kumar Tewari, AOR
Mr. Akshat Shrivastava, AOR

Mr. Satinder Gulati, Adv.
Mr. Raj Kishor Choudhary, AOR
Mr. Mohit Gupta, Adv.
Mr. Vikram Patralekh, Adv.

Ms. Vrinda Bhandari, AOR

Mr. Arun Batta, Adv.
Mr. A.K. Nijhawan, Adv.
Mr. Rohan Sharma, Adv.
Mr. Shivendra Singh, AOR
Ms. Prakriti Rastogi, Adv.

Mr. Rahul Kaushik, AOR

Mr. Ishan Sanghi, Adv.
Mr. Rajeev Singh, AOR

Mr. Abhinav Shrivastava, AOR
Mr. Vineet Bhagat, AOR
Ms. Jaikriti S. Jadeja, AOR

Mr. Ashwani Garg, Adv.
Mr. Vijay Kumar, AOR

Mr. Somesh Chandra Jha, AOR
Mr. Ashwani Kumar Dubey, AOR
Mr. Dipesh Sinha, AOR

Mr. K.M. Natraj, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Suhasini Sen, Adv.
Mr. T.A Khan, Adv.
Mrs. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Anuj Srinivas Udupa, Adv.
Mr. Annirudh Sharma Ii, Adv.

Mr. Rajesh Kumar Chaurasia, AOR
Mr. Sujeet Kumar, Adv.
Mr. Shailendra Kumar Nirmal, Adv.
Mr. Anurag Jain, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Onkar Prasad, Adv.

Mr. Kartik Yadav, Adv.
Mr. Parinay Vasandani, Adv.
Mr. Manhar Singh Saini, Adv.
Mr. Vardaan Wanchoo, Adv.
Mr. Chandra Prakash, Adv.
M/s. D.S.K. Legal, AOR

Mr. Milind Kumar, AOR
Mr. Abhinay, AOR
Mr. Amit Shrivastava, AOR
Mr. Abhay Anand Jena, AOR
Ms. Pallavi Langar, AOR
Mr. Manoj C. Mishra, AOR

Mr. Nitesh Ranjan, AOR
Mr. Rajesh Kumar, AOR
Mr. Vinay Chadda, AOR
Mr. Gyan Prakash Srivastava, AOR
Mr. Divyesh Pratap Singh, AOR
Mr. M. Yogesh Kanna, AOR

Mr. Pankaj Jain, Adv.
Mr. Bijoy Kumar Jain, AOR

Mrs. Gargi Khanna, AOR

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Mrs. Rachna Gupta, AOR
Mr. Anil Kumar Sinha, Adv.

Mr. K M Natraj, A.S.G.
Mr. Vikramjit Bannerjee, A.S.G.
Mr. Ayush Puri, Adv.
Mr. Rupesh Kumar, Sr. Adv.
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Mr. Raman Yadav, Adv.
Mr. Santosh Kumar, Adv.
Ms. Sweksha, Adv.
Mr. Brijesh Yadav, Adv.

Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Mrs. Ruche Anand, Adv.
Ms. Meera Mathur, AOR

Ms. Shruti Agarwal, AOR
Mr. B. Krishna Prasad, AOR
Mr. Kaustubh Shukla, AOR
Mrs. Pragya Baghel, AOR

Mr. Sudhir Mahajan, Adv.
Mr. Ajit Kumar Ekka, AOR

Mr. Tishampati Sen, Adv.
Ms. Riddhi Sancheti, AOR
Mr. Anurag Anand, Adv.
Mr. Mukul Kulhari, Adv.

Ms. Malvika Kapila, AOR
Mr. Abhay Singh, AOR
Mr. P. K. Jain, AOR

Mr. Gaurav Bhatia, Sr. Adv.
Mr. Vikas Tiwari, Adv.
Mr. Utkarsh Jaiswal, AOR

Mr. Nikhil Swami, AOR

Mr. Avinash Sharma, AOR
Ms. Akanksha Kapoor, Adv.
Mrs. Damyanti Juneja, Adv.

Mrs. Anil Katiyar, AOR

Ms. Bharti Tyagi, AOR
Mr. S. D. Singh, Adv.
Ms. Surabhi Shukla, Adv.
Mr. Ram Kripal Singh, Adv.
Ms. Jitender Singh, Adv.
Ms. Meenu Singh, Adv.
Mr. Siddharth Singh, Adv.

Mr. Udayaditya Banerjee, AOR
Mr. Balaji Srinivasan, AOR
Mr. Pahlad Singh Sharma, AOR

Mr. Himanshu Shekhar, AOR
Mr. M.L Lahoty, Adv.
Mr. Anchit Sripat, Adv.
Mr. Parth Shekhar, Adv.
Mr. Arvind Kumar, Adv.
Mr. Shubham Singh, Adv.
Mr. Maheshwaram Yadava Reddy, Adv.
Mr. Mata Prasad Pathak, Adv.
Mr. Mukesh Kumar Verma, Adv.
Ms. Ambali Vedasen, Adv.
Mr. Rajiv Ranjan, Adv.
Mr. Rajat Sinha Roy, Adv.
Mr. Ugranath Kumar, Adv.
Mr. Youkteshwari Prasad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Vishal Prasad, Adv.
Mr. Vivek Kumar, Adv.

Dr. Sumant Bharadwaj, Adv.
Mr. Vedant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR
Mr. D.m.sharma, Adv.
Ms. Surbhi Sharma, Adv.

Mr. Awanish Kumar, AOR
Mr. Aldanish Rein, AOR
Mr. Kaustubh Anshuraj, AOR
Mr. Krishna Kumar Singh, AOR

Mr. Ashwarya Sinha, AOR
Ms. Priyanka Sinha, Adv.
Mr. Aditya Malhotra, Adv.
Mr. Sankalp Mahindru, Adv.

Mr. Dharmendra Kumar Sinha, AOR
Mr. Partha Sil, AOR
Ms. Upasana Nath, AOR
Ms. Rashmi Nandakumar, AOR

Mr. Anukul Raj, Adv.
Mrs. Nikita Raj, Adv.
Mr. Shantanu Krishna, AOR
Mr. Alok Kumar, Adv.
Mr. Tushar Bhalla, Adv.

Ms. Jyoti Mendiratta, AOR

Mr. Ravi Prakash Mehrotra, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Mr. Akarsh Garg, Adv.
Mr. Shaantanu Jain, Adv.
Mr. Archit Gupta, Adv.
Mr. Yudhisthir Bhardwaj, Adv.
Ms. Rupali Sharma, Adv.
Mr. Saksham Garg, Adv.
Mr. Subhan Shankar Gogoi, Adv.
Mr. Jyotirmoy Chatterjee, Adv.

Mr. Rama Krishnan Viraraghavan, Sr. Adv.
Mr. Munawwar Naseem, Adv.
Mr. Jaskaran Singh Bhatia, Adv.
M/s. Dua Associates, AOR

Mr. Ayush Sharma, AOR
Mr. Vaibhav Kumar, AOR
Mr. Aneesh Mittal, AOR

Mr. Debabrata Das, Adv.
Mr. Aanchal Tikmani, AOR

Mr. Ved Parkash Goyal, Adv.
Mr. Varun Varma, Adv.
Ms. Niharika Dwivedi, Adv.
Ms. Yamini Sharma, Adv.
Mr. Saurabh Kumar Solanki, Adv.
Mr. Ajay Mishra, Adv.

Ms. S. Ramamni AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Shivam Saksena, Adv.
Mr. Binay Kumar Das, AOR

For New Kolkata
Development Auth.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Mrinalini Mukherjee, Adv.

For Intervenor
IAs 204632/24
204633/24

Mr. Sanjay Sharma, Adv.
Mr. Deepak Joshi, Adv.
Mr. Jatin Bhardwaj, Adv.
Mr. Pranav Sachdeva, AOR

Mr. Vidhan Vyas, Adv.
Mr. Syed Haider Shah, Adv.
Ms. Disha Singh, AOR

Dr. Vijendra Singh, AOR
Mr. Shailesh Sharma, Adv.
Mr. Kumar Abhinandan, Adv.

Ms. Komal Mundhra, Adv.
Mr. Aniket Bhattacharyya, Adv.
Mr. Karan Khanna, Adv.

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

1. It is pointed out by Ms. Anubha Agrawal, learned Advocate-on-Record for Unitech, that there are some typographical mistakes in the order dated 16.01.2025.

Having found such mistakes, paragraphs 17 of the order dated 16.01.2025 is modified and shall be read as follows:

“We find that before issuing directions in this regard, the Banks/Financial Institutions need to be heard. Hence, let notice of the IAs be issued to the following Banks/Financial Institutions returnable on 05.03.2025:

- i. State Bank of India
- ii. AXIS Bank
- iii. Canara Bank
- iv. HDFC Bank Limited
- iv. ICICI Bank Ltd.
- v. Kotak Mahindra Bank
- vi. Punjab National Bank
- vii. UCO Bank
- viii. Union Bank of India
- ix. IDBI Bank

Ms. Jasmine Damkewala, learned Advocate-on-Record, accepts notice on behalf of Canara Bank, IDBI Bank and LIC.

Paragraph 18 of the order dated 16.01.2025 stands deleted and shall be read as follows:

“Some of the Banks/Financial Institutions who are present through their counsel submit that in compliance of paragraph 20 of the order dated 16.01.2025, they have initiated a dialogue with Unitech to explore the One Time Settlement.”

2. IA No.286435 of 2024:

This application is taken on Board on oral mentioning.

We are informed that on 12.04.2023, this Court had directed that the Development agreement between the APIIC and Unitech dated 17.07.2008 be registered on payment of the requisite stamp duty in accordance with the Indian Stamp Act, 1899. The learned Arbitrator has passed the final award on 28.09.2024, in terms whereof APIIC is obligated to refund Rs.270 Crores along with interest to Unitech. However, we are informed that the award has been challenged by APIIC before the Principal Special Judge, City Civil Courts, Hyderabad, under Section 34 of the

Arbitration and Conciliation Act, 1996.

Without prejudice to the rights of the APIIC to pursue the aforesaid appeal, the said Corporation is directed to comply with order dated 12.04.2023 and get the Development Agreement stamped/registered before the Registering Authority. Unitech may bear the cost of stamp papers, without prejudice to its rights to raise claims against the APIIC to bear half of such charges. The compliance report be filed within four weeks.

Post this application on 26.03.2025.

3. IA No. 31501 of 2025 (filed by Mr. Naresh Kempanna):

i) Issue notice.

ii) Ms. Anubha Agrawal, learned AOR for Unitech, accepts notice. Reply be filed within two weeks.

iii) Learned counsel for Col. Mohinder Singh Khaira, another contemnor, states that he has also filed applications which are yet to be listed and a copy thereof has been given to the learned counsel for Unitech in advance to enable her to file counter affidavit on the aforesaid applications.

iv) Post this application along with IA Nos. 210624/2023, 210625/2023, 271490/2024, 158534/2024, 158535/2024, 163948/2023, 164059/2023 on 05.03.2025.

4. IA No. 106004 of 2017, 107233 of 2017, 107245 of 2017 & 138307 of 2017:

Learned counsel for the applicants are directed to handover copies of these applications to learned counsel for the Unitech by tomorrow, to enable her to have instructions.

List on 05.03.2025.

5. IA No. 193610 of 2019 & 265325 of 2023:

These two applications have been moved by Mr. Ashish Kohli seeking possession of a residential unit in the project named "Harmony" in Gurugram. It is stated by learned counsel for the applicant as well as learned counsel for Unitech that after obtaining occupation certificate of the project on 01.10.2024 and after affording an opportunity to all the allottees to switch over from refund to the possession of residential units, the applicant(s) have been granted physical possession of the unit(s). Consequently, both these applications have rendered infructuous and are disposed of as such.

6. IA No. 175609 of 2019:

Learned counsel for the applicant is directed to supply a copy of this application to counsel for the Unitech within two days, to enable her to obtain instructions.

List on 05.03.2025.

7. IA Nos.26890 of 2020, 26898 of 2020, 77794 of 2022, 77795 of 2022, 77802 of 2022, 77813 of 2022, 103038 of 2022, 103040 of 2022, 51000 of 2023, 104324 of 2023, 104330 of 2023 (filed by Ex-employees):

i. Learned counsel for the Unitech seeks and is granted two weeks' time to file a consolidated reply to all the aforesaid applications.

ii. Post these applications on 05.03.2025.

8. IA No. 59997 of 2020:

i. The applicants are 61 customers, who are stated to have applied for refund in the year 2020. Since the cut-off date for changing the option from refund to possession is over on 31.12.2024, let Unitech examine their claims regarding refund and take an appropriate decision. The applicants shall submit their requisite documents to learned counsel for Unitech within four weeks, whereupon Unitech will examine and determine their entitlement for refund, if any. The modalities for refund of the settled amount shall be considered after such examination.

ii. Unitech shall take the decision within four weeks.

iii. List this application on 24.04.2025.

9. IA No. 39884 of 2021, IA No. 39936 of 2021, IA No. 11531 of 2025:

i. Learned counsel for Unitech seeks and is granted four weeks' time to file reply to these applications.

ii. Post these applications on 27.03.2025.

10. IA No. 116430 of 2021, IA No. 116432 of 2021, IA No. 15231 of 2025:

i. Learned counsel for the applicants shall supply a copy of these applications, along with the names of the members of the applicant association(s), to the counsel for Unitech within two days.

ii. Learned counsel for Unitech shall submit a consolidated reply to these applications within three weeks.

iii. Post these applications on 27.03.2025.

11. IA Nos. 126367 of 2022 and IA No. 73989 of 2024:

List these applications on 27.03.2025.

12. IA No. 152736 of 2022:

Learned counsel for the applicant seeks permission to withdraw this application.

Permission to withdraw, is granted.

The application is disposed of as withdrawn.

13. IA No. 197133 of 2022, IA No.197127 of 2022, IA No.197129 of 2022:

- i. In view of the order dated 09.10.2023 passed by this Court, only claims for refund on the ground of medical exigency have been permitted. The applicants, if so advised, may upload the relevant documents in support of their medical exigency within a period of two weeks.
- ii. On doing so, Unitech shall place the claims of the applicants before Hon'ble Mr. Justice A.M. Sapre, Former Judge, Supreme Court of India, for consideration.
- iii. These applications stand disposed of accordingly.

14. IA No. 168870 of 2023 & IA No. 171200 of 2023:

IA No. 171200 of 2023 is taken on Board on oral mentioning.

Ms. Prerna Mehta, learned counsel for the applicant(s) states that the applicant(s) have opted to take possession of the allotted property instead of refund of the amount. She submits that the applicants shall pay the balance of allotment price, as and when demanded by Unitech, as per the revised payment plan.

It is pointed out on behalf of Unitech that the "New Town Project, Kolkata" is getting further delayed on account of non-issuance of environmental clearance by the West Bengal State Environment Impact Assessment Authority.

The authorized representative of Unitech may approach the aforesaid Authority to consider the pending request for environment clearance in a time bound manner. The said Authority shall pass an appropriate order, preferably within four weeks.

List I.A. Nos.34018/2025 & 34140/2025 along with these applications on 02.04.2025.

15. IA No. 195479 of 2023, IA No. 195481 of 2023, IA No. 195494 of 2023 and IA No. 195495 of 2023:

Learned counsel appearing for Unitech seeks and is

granted four weeks' time to file reply.

Post these IAs along with IA No. 243666 of 2023, IA No. 83191 of 2023, IA No. 196020 of 2022, IA No. 196027 of 2022, IA No. 196012 of 2022 and IA No. 75969 of 2023 on 19.03.2025.

16. IA No. 28791 of 2023 & IA No. 28819 of 2023:

Learned counsel appearing for Unitech seeks and is granted four weeks' time to file reply.

Post on 19.03.2025.

17. IA No. 109760 of 2023:

The applicant is seeking refund on medical grounds, along with some financial compensation. In terms of the order passed by this Court on 13.10.2022, only the principal amount can be refunded in full and final satisfaction of the claim. The applicant is stated to have deposited a sum of Rs.9.33 lakhs as principal amount. Let the applicant upload the medical records in support of the plea of medical exigency, if already not uploaded, within two weeks, whereupon Justice A.M. Sapre is requested to examine the applicant's claim.

IA No. 109760 of 2023 is accordingly disposed of.

18. IA No. 226381 of 2023 and IA No. 285819 of 2024:

The prayer in this application is being considered only *qua* (i) Arun Kaushal S/o Late Haridev Sahai, who is stated to be 78 years old, and (ii) Avinash Chander Khandpur S/o Jagan Nath Khandpur, who is stated to be 80 years old. They are the allottees of Flat No. 202, Tower 1 and Flat No. 103,

Tower 19, respectively, in "Unitech Habitat" project in Greater Noida, Uttar Pradesh. They are seeking refund of the amount deposited by them, being senior citizens. This Court vide order dated 13.10.2022 accepted the claim of allottees for refund of the principal amount in cases of medical exigencies.

On consideration of the rival submissions, we are of the view that the senior citizens who are of 75 years of age and above would also qualify in the category of medical exigency, owing to their age and age-related ailments.

Consequently, Unitech is directed to invite the claims of all senior citizens in the age group of 75 years and above for the refund of their principal amount in conformity with the earlier order dated 13.10.2022. Let the time-period to invite such claims on relevant portal of the website be open ended, i.e., without any end-date. However, the claim of each applicant shall be verified within four weeks from the date of uploading of the relevant information on the website. If the Unitech is satisfied that the allottee's claim falls in the age group of 75 years and above and fulfills other conditions regarding refund of the principal amount, the details of such allottee(s) shall be furnished to this Court so that appropriate direction for refund of the due amount can be issued.

As regards the other applicants in these IAs, namely, Sushma Jain W/o Ashish Jain and Dev Singh Sahai S/o Col. B.J. Singh, since they admittedly do not fall in the category of

senior citizens of 75 years and above or in the category of medical exigency, the prayer in the instant applicant *qua* them stands declined. They shall, however, be entitled to pursue their remedy in accordance with law. The applications are accordingly disposed of.

19. IA No. 268510 of 2023 and IA No. 268511 of 2023:

Learned counsel appearing for Unitech seeks and is granted four weeks' time to file reply/counter affidavit.

Post on 19.03.2025.

20. IA No. 6057 of 2023:

Learned counsel for the applicant states that the instant application has been rendered infructuous in terms of the order dated 03.11.2023 of this Court.

The application is accordingly disposed of, as infructuous.

21. IA No. 204632 of 2024 and IA No. 204633 of 2024:

The prayer in these applications is to allow the applicant to swap the allotted unit in Greater Noida for a unit in the Unitech Residential Project in Bangalore. It is pointed out that the applicant was allotted Flat No. 602, Tower 4 in the "Unitech Habitat" project in Greater Noida. Since the family of the applicant has now shifted to Bangalore, the applicant is seeking to swap the allotted unit and Unitech Limited to be directed to allot him a residential unit in the Bangalore Project in lieu of the above-mentioned

allotted flat.

Learned counsel for Unitech refers to clause 4.10.3 of Chapter 4 of the Resolution Framework and submits that no such transfer is permissible. She further clarifies that not a single unit has ever been allowed to swap.

That being so, prayer in these applications cannot be entertained. The same is accordingly declined, and the IAs are, accordingly, dismissed.

22. IA No.261621/2024 & IA No.261059/2024:

Learned counsel appearing for Unitech seeks and is granted four weeks' time to file reply.

List on 26.03.2025.

23. IA No.108721/2024:

Learned counsel appearing for Unitech seeks and is granted two weeks' time to verify certain facts and file its response.

List on 19.03.2025.

24. IA No.229008/2024 & IA No.230949/2024:

Learned counsel appearing for Unitech seeks and is granted four weeks' time to verify certain facts and file its response.

List on 26.03.2025.

25. IA No.141079/2024 & 141081/2024:

The applicant has already been permitted to change the option from refund to possession. These applications have,

thus, become infructuous.

Consequently, the applications are disposed of as having become infructuous.

26. SLP(CrL.) Nos.5978-5979/2017:

With reference to the office report dated 04.02.2025, the Registry is directed to deposit the remaining amount in a high interest-bearing FDR account of a Nationalized Bank, initially for a period of six months, with auto-renewal facility.

27. IA Nos.60284/2021, 60286/2021, 29915/2021, 84255/2020, 9494/2022, 28098/2023, 50055/2023, 6512/2021, 23473/2021, 35047/2021, 42065/2021, 59412/2021, 59505/2021 & 64922/2021:

List on 27.03.2025.

(NITIN TALREJA)
AR-CUM-PS

(ARJUN BISHT)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER (SH)

(PREETHI T.C.)
ASSISTANT REGISTRAR