

ITEM NO.5

COURT NO.1

SECTION XI

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

Petition for Special Leave to Appeal (C) No. 13608/2017

(Arising out of impugned final judgment and order dated 28-02-2017 in WC No. 16271/2016 passed by the High Court Of Judicature At Allahabad)

UNIWORLD CITY- UNI HOMES PLOTS SECTOR MU,  
PLOTS BUYERS ASSOCIATION (R) & ANR.

Petitioners

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondents

WITH

SLP(C) No. 15759/2017 (XI)

(FOR PERMISSION TO FILE SLP ON IA 1/2017)

W.P.(C) No. 1134/2017 (X)

(FOR ADMISSION and IA No.123350/2017-EXEMPTION FROM FILING O.T. and IA No.123352/2017-PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 33446/2017 (XI)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 126303/2017, FOR EXEMPTION FROM FILING O.T. ON IA 126305/2017 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 126857/2017)

Date : 25-09-2018 This matter was 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 Agarwal, Adv./A.C.

For Petitioners

SLP 13608 & 15759/2017 Mr. Shekhar Naphade, Sr. Adv.

Mr. Anirudh Joshi, Adv.

Mr. Vivek Singh, AOR

Mr. Rajeev K. Pandey, Adv.

Mr. Swastik Dalai, Adv.

SLP 33446/2017

Dr. A.M. Singhvi, Sr. Adv.

Mr. Gaurav Bhatia, Adv.

Mr. Mahesh Agrawal, Adv.

Mr. Abhinav Agrawal, Adv.

Mr. Ashok Dubey, Adv.

Mr. Anuroop Chakravarti, Adv.

Mr. Rajiv Kumar Virmani, Adv.

Mr. Anshuman Srivastava, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. Utkarsh Jaiswal, Adv.  
Mr. E.C. Agrawala, AOR

Petitioner-in-person

For Respondents  
for State of U.P.

Mr. Anuvrat Sharma, AOR  
Mr. Jitendra Kumar Tripathi, Adv.  
Ms. Pareena Swarup, Adv.

For GNOIDA

Mr. Ravindra Kumar, AOR

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

SLP(C) No. 33446/2017

On 18.9.2018, the Greater Noida Industrial Development Authority had deposited Rs.74,36,35,446/- (Rupees seventy four crores thirty six lakhs thirty five thousand four hundred forty six only) with the Registry of this Court. On that day, the following directions were issued:-

"M/s. Unitech shall provide a complete list of home buyers, along with all the details, in respect of the project, viz., Uniworld City-Uni Homes Plots Sector-MU, Greater NOIDA, to the Registry of this Court as also Mr. Pawanshree Agarwal, learned amicus curiae.

M/s. Unitech shall also assist Mr. Pawanshree Agarwal in case there is verification necessary with regard to the genuineness of the identity of home buyers. He will calculate the amount due keeping in view the amount deposited. The home buyers can verify the list filed before this Court and given to Mr. Pawanshree Agarwal, and if there is no mention of their names, they can bring it to the notice of the learned amicus."

It is submitted by Dr. Abhishek Manu Singhvi, learned senior counsel alongwith Mr. Gaurav Bhatia, learned counsel appearing for the developer that the

Greater Noida Industrial Development Authority should be asked to pay the interest on the amount of certain additional sums as agreed to by them. We do not wish to enter into the said controversy.

It is further submitted by Dr. Singvhi, learned senior counsel that the High Court had passed the impugned order on the basis of an alleged concession given by the counsel appearing on behalf of the petitioner. Though we are not inclined to address the first issue, as far as the second one is concerned, we grant liberty to the petitioner to file an application for recall/review of the order passed by the High Court on the count that no concession was given and if it was given by the learned counsel, it was without the instructions from the petitioner. If such an application is filed before the High Court within two weeks hence, the same shall be dealt with within four weeks therefrom, in accordance with law. We express no opinion on the merits of any such submission.

With the aforesaid liberty, the special leave petition stands disposed of.

All contentions of the Greater Noida Industrial Development Authority are kept open.

If the petitioner becomes unsuccessful before the High Court, liberty is granted to it to challenge the main order and the order passed in review.

Pending interlocutory applications, if any, shall also stand disposed of.

SLP(C) Nos. 13608/2017 and 15759/2017 and W.P.(C) No. 1134/2017

On 18.9.2018, Mr. Ravindra Kumar, learned counsel for the Greater Noida Industrial Development Authority had unequivocally stated that the amount deposited by

the developer alongwith accrued interest had come to Rs.74,36,35,446/- (Rupees seventy four crores thirty six lakhs thirty five thousand four hundred forty six only). A direction was issued to deposit the said amount before the Registry of this Court. Be it clarified, the said amount has been deposited by the Greater Noida Industrial Development Authority as the net amount refundable to the developer. Liberty was granted to the developer and to the home-buyers to dispute the quantum. Though the quantum is disputed, as we have already disposed of SLP(C) No. 33446/2017, we do not intend to deal with the same.

Be it noted, on the last occasion, the Court had directed as follows:-

“M/s. Unitech shall provide a complete list of home buyers, along with all the details, in respect of the project, viz., Uniworld City-Uni Homes Plots Sector-MU, Greater NOIDA, to the Registry of this Court as also Mr. Pawanshree Agarwal, learned amicus curiae.

M/s. Unitech shall also assist Mr. Pawanshree Agarwal in case there is verification necessary with regard to the genuineness of the identity of home buyers. He will calculate the amount due keeping in view the amount deposited. The home buyers can verify the list filed before this Court and given to Mr. Pawanshree Agarwal, and if there is no mention of their names, they can bring it to the notice of the learned amicus.”

It is submitted by Mr. Pawanshree Agarwal, learned amicus curiae that the list has been verified and no one has been left out from amongst 352 home-buyers. The learned amicus curiae would further submit that there is some discrepancy with regard to the amount, but that can be reconciled at a later stage. Regard being had to the said submission, we direct that the amount deposited before the Registry of this Court be disbursed on *pro-rata* basis in favour of the home-

buyers on proper identification, as per the recommendation of the learned amicus curiae. The learned amicus curiae is requested to assist the Registry in that regard.

The issue with regard to the claim of interest by the home-buyers is kept open.

The learned amicus curiae is granted liberty to delete the names of the home-buyers in respect of the project in question, viz., Uniworld City-Uni Homes Plots Sector-MU, Greater NOIDA, from the other portal which has been created in pursuance of our order in SLP(Cr1.) Nos. 5978-5979/2017.

As the learned amicus curiae has been assisting this Court and has also spent money in creating the portal and also in correspondence, the developer is directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) within a week hence, so that the Registry can disburse the same in favour of the learned amicus curiae. After the amount is deposited, the order passed by us today in SLP(C) No. 33446/2017 shall come into effect.

Let the matter be listed after eight weeks.

(Deepak Guglani)  
Court Master

(H.S. Parasher)  
Assistant Registrar