

ITEM NO.7

COURT NO.1

SECTION PIL-W

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
Writ Petition (Civil) No.744/2017

CHITRA SHARMA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for intervention, clarification/direction,
impleading party and permission to file application for direction)

WITH W.P.(C) No.782/2017

W.P.(C) No.783/2017

S.L.P.(C) No.24001/2017 (XI)

(With appln.(s) for intervention/impleadment, clarification/
direction, impleading party, permission to file appl. for
direction)

W.P.(C) No.805/2017

W.P.(C) No.803/2017

S.L.P.(C) No.24002/2017 (XI)

(With appln.(s) for intervention/impleadment, clarification/
direction, permission to file SLP/TP, c/delay in refileing and
permission to file additional documents)

W.P.(C) No.950/2017

W.P.(C) No.860/2017

S.L.P.(C) No.36396/2017 (XI)

Diary No.33267/2017 (XI)

(With appln.(s) for exemption from filing c/c of the impugned
judgment, intervention/impleadment, permission to file SLP/TP,
c/delay in refileing and permission to file lengthy list of dates))

Date : 10-01-2018 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

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Mr. Jasbir Singh Malik, Adv.
Ms. Davinder Sadyora, Adv.

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

I.A. No.219 of 2018 in Writ Petition (C) No.744 of
2017 has been filed on behalf of the petitioners-applicants.

Heard Mr. Sidharth Luthra, learned senior counsel for the applicants.

It is submitted by him that the applicants are the home buyers, who have invested in the holding company i.e. Jaiprakash Associates Limited (JAL). The grievance of the applicants is that they are in a state of '*trishanku*', inasmuch as they are not in a position to move away and in the absence of any kind of movement, their fate is jeopardized. Submission of Mr. Luthra is that the learned Amicus Curiae should be asked to create a web-portal where the home buyers, who have invested in JAL can put forth their claims, subject to further orders by this Court.

At this juncture, Mr. Mukul Rohatgi, learned senior counsel being assisted by Mr. Anupam Lal Das, learned counsel appearing for JAL would contend that JAL has nothing to do with the controversy and, therefore, separate portal need not be created.

Mr. Suarabh Kirpal, learned counsel appearing for the Reserve Bank of India (RBI), has filed an interlocutory application seeking leave of this Court to move the National Company Law Tribunal (NCLT) against the JAL under the Insolvency and Bankruptcy Code (IBC).

Mr. Ranjit Kumar, learned senior counsel appearing for the independent Directors of JAL, in his turn, would submit that this Court may lift the direction to remain present before this Court.

Having heard learned counsel for the parties, we are inclined to pass the following directions:-

(i) Jaiprakash Associates Limited (JAL) shall file an affidavit stating therein as to how many housing projects it

has throughout the country and the stage of their construction. The said affidavit shall be filed within a week hence.

(ii) Mr. Pawan Shree Agarwal, learned Amicus Curiae shall create an independent web-portal in respect of the home buyers of JAL, which shall reflect the details of the home buyers.

(iii) The web-portal created by Mr. Pawan Shree Agarwal qua Jaypee Infratech Limited (JIL) shall be kept alive.

(iii) The application filed by the Reserve Bank of India seeking permission to move NCLT shall be considered at a later stage.

(iv) The independent Directors of the JAL need not remain personally present on the every date of hearing unless so directed by this Court. The independent Directors shall not leave the country without leave of this Court.

(v) The earlier order of injuncting JAL to create any kind of third party interest in the assets is reiterated.

(vi) The applications for impleadment/intervention and directions filed before this Court shall be served on Mr. Pawan Shree Agarwal.

Let the matter be listed on 5th February, 2018.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar