

ITEM NO.24

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  
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 744/2017

CHITRA SHARMA & ORS.

Petitioners

VERSUS

UNION OF INDIA & ORS.

Respondents

(and IA No.30118/2018-impleading party and IA No.30122/2018-CLARIFICATION/DIRECTION and IA No.30125/2018-impleading party and IA No.30133/2018-impleading party and IA No.30140/2018-impleading party and IA No.32031/2018-impleading party and IA No.32977/2018-INTERVENTION APPLICATION and IA No.32978/2018-CLARIFICATION/DIRECTION and IA No.33431/2018-STAY APPLICATION)

WITH

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

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

SLP(C) No. 24001/2017 (XI)

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

(FOR STAY APPLICATION ON IA 84812/2017)

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

SLP(C) No. 24002/2017 (XI)

(FOR PERMISSION TO FILE SLP/TP ON IA 84838/2017 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 84839/2017 FOR INTERVENTION/IMPLEADMENT ON IA 84840/2017 and IA No.88057/2017-INTERVENTION/IMPLEADMENT and IA No.88410/2017-CLARIFICATION/DIRECTION and IA No.88689/2017-INTERVENTION APPLICATION and IA No.88696/2017-MODIFICATION and IA No.89329/2017-INTERVENTION/IMPLEADMENT and IA No.115034/2017-INTERVENTION APPLICATION and IA No.119047/2017-impleading party)

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

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

(FOR ADMISSION)

SLP(C) No. 36396/2017 (XI)

(FOR ADMISSION and I.R. and IA No.98200/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98186/2017-APPLICATION FOR IMPLEADMENT OF RESPONDENTS and IA No.98181/2017-PERMISSION TO FILE SLP/TP and IA No.98204/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.137592/2017-CLARIFICATION/DIRECTION)

Diary No(s). 33267/2017 (XI)

(FOR ADMISSION and I.R. and IA No.129410/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.131630/2017-INTERVENTION/IMPLEADMENT and IA No.129408/2017-PERMISSION TO FILE SLP/TP and IA No.129406/2017-CONDONATION OF DELAY IN REFILEING and IA No.129413/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

**W.P.(C) No. 319/2018 (X)**  
**(FOR ADMISSION and IA No.52566/2018-STAY APPLICATION)**

**Date : 16-05-2018 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 Agrawal, Adv./A.C.**

**For Petitioners**

**Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. Ashwarya Sinha, AOR  
Ms. Ameyavikrama Thanvi, Adv.  
Ms. Alankarita Sinha, Adv.**

**Mr. R. Basant, Sr. Adv.  
Mr. Suvidutt M.S., AOR  
Mr. Karthik Ashok, Adv.  
Mr. Arun P., Adv.**

**Mr. Ravi Chandra Prakash, Adv.  
Mr. Purushottam Sharma Tripathi, Adv.  
Ms. Sushma Singh, Adv.  
Ms. Vani Vyas, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
Mr. Abhishek Tripathi, Adv.  
for M/s. Ravi Chandra Prakash Co., Adv.**

**Mr. N. Ganpathy, Sr. Adv.  
Mr. Sarvjit Pratap Singh, Adv.  
Mr. Shiv Sagar Tiwari, AOR**

**Mr. Sachin Datta, Sr. Adv.**

**Mr. Rachit Mittal, Adv.  
Mr. Ankit Khera, Adv.  
Ms. Tanvi Aggarwal, Adv.  
Dr. Kailash Chand, AOR**

**Mr. Arun Monga, Adv.  
Ms. Divya Sharma, Adv.  
Mr. Gopal Jha, AOR**

**Mr. Varinder Kumar Sharma, Adv.  
Ms. Parul Sharma, Adv.  
Mr. Yugal K. Prasad, Adv.**

**Mrs. Revathy Raghavan, AOR  
Mr. A. Selvaraj, Adv.**

**Ms. Sujeeta Srivastava, AOR**

**Ms. Mohna, AOR**

**Ms. Geetah Talukdar, Adv.**

**Mr. Prashant Kumar, Adv.**

**Mr. Akshay K. Ghai, Adv.**

**Mr. Rajeev Kumar Bansal, Adv.**

**Mr. Prashant Kumar, Adv.**

**Mr. Shantanu Sagar, AOR**

**Mr. Neeraj Kumar Gupta, AOR**

**Ms. Anshu Gupta, Adv.**

**Mr. Yatish Mohan, Adv.**

**Ms. Vinita Y. Mohan, Adv.**

**Mr. Sumant Jha, Adv.**

**Dr. K.N. Tripathy, Adv.**

**Mr. Ranjan Kumar Pandey, Adv.**

**Ms. Sandeep Bisht, Adv.**

**Mr. Aditya Dhar, Adv.**

**Mr. Pukhrambam Ramesh Kumar, AOR**

**Mr. S.K. Bhattacharya, Adv.**

**Mr. L.K. Paonam, Adv.**

**Mr. Niraj Bobby Paonam, Adv.**

**Mrs. Tomthinnganbi Koijam, Adv.**

**Mr. Shuvodeep Roy, AOR**

**Mr. Fuzail Ahmad Ayyubi, AOR**

**Mr. Ambhoj Kumar Sinha, AOR**

**Ms. Praveena Gautam, AOR**

**Ms. Aparna Bhat, AOR**

**Mr. Tishampati Sen, AOR**

**Mr. Alok Shukla, AOR**

**Ms. Anne Mathew, AOR**

**Mr. Himanshu Shekhar, AOR**

**Mr. Amit Pawan, AOR**

**Ms. Rashmi Nandakumar, AOR**

**Mr. Dharmendra Kumar Sinha, AOR**

**Mr. Karunakar Mahalik, AOR**

Mr. R.P. Gupta, AOR  
Mr. Shovan Mishra, AOR  
Mr. Kaushik Choudhury, AOR  
Mr. Bijoy Kumar Jain, AOR

**For Respondents**

Mr. Vikas Singh, Sr. Adv.  
Mr. Dhruv Mehta, Sr. Adv.  
Mr. Mukesh K., Adv.  
Mr. Vijay Nair, Adv.  
Mr. Rahul Malhotra, Adv.  
Mr. Manoranjan Sharma, Adv.  
Mr. Jay Kishor Singh, Adv.

Mr. Vikas Singh, Sr. Adv.  
Mr. S. Venkatesh, Adv.  
Mr. Parag Maini, Adv.  
Mr. Varun Singh, Adv.  
Mr. Pratyush Singh, Adv.  
Mr. Vikas Maini, Adv.  
Mr. Somesh Srivastava, Adv.  
Ms. Udit Singh, Adv.

Mr. Anupam Lal Das, AOR  
Mr. Vishal Gupta, Adv.  
Mr. Paras Choudhary, Adv.  
Mr. Anirudh Singh, Adv.  
Mr. Krishanu Barua, Adv.

Mr. C.A. Sundaram, Sr. Adv.  
Mr. Vinay Vaish, Adv.  
Ms. Kavita Jha, AOR  
Mr. Vaibhav Kulkarni, Adv.  
Mr. Udit Naresh, Adv.

Mr. Sanjay Hegde, Sr. Adv.

Mr. Anand, Adv.  
Mr. Abhijit Sengupta, Adv.  
Mr. Subashish Biswas, Adv.

Ms. Swarupama Chaturvedi, AOR  
Ms. Devika Gulati, Adv.  
Mr. B.N. Dubey, Adv.

Ms. Madhavi Divan, Adv.  
Mr. Syed Shahid Husain Rizvi, Adv.  
Mr. Harish V. Shankar, Adv.  
Mrs. Anil Katiyar, AOR

Mr. Bishwajit Dubey, Adv.

Mr. Uday Khare, Adv.  
for M/s. Cyril Amarchand Mangaldas, AOR

Mr. Parag Tripathi, Sr. Adv.  
Mr. Sumant Batra, Adv.

Mr. Anand Prasad, Adv.  
Mr. Ritesh Mukherjee, Adv.  
Ms. Surbhi Sharma, Adv.  
Mr. Sandeep Devashish Das, AOR

Mr. Anup Jain, AOR  
Mr. Abhishek Baid, Adv.  
Mr. Sarthak Guru, Adv.  
Mr. Ravi Kishore, Adv.  
Ms. Purna Singh, Adv.  
Mr. Gautam Prabhakar, Adv.  
Mr. Guntur Prabhakar, Adv.

Mr. Abhinav Shrivastava, Adv.  
Mr. Rahul Gupta, Adv.  
Mr. R.P. Singh, Adv.

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ramakant Rai, Adv.  
Mr. Syed Jafar Alam, AOR  
Ms. Mehak Suri, Adv.

Mr. R. Sudhinder, Adv.  
Ms. Amrita Sarkar, Adv.  
Mr. Ashok Mathur, AOR

Ms. Sujeeta Srivastava, AOR

Mr. S.S. Ray, Adv.  
Mr. Vaibhav Gulia, Adv.  
Ms. Rakhi Ray, Adv.

Mr. Sarvam Ritam Khare, AOR  
Ms. Meena Sehwat, Adv.  
Ms. Shweta Chaurasia, Adv.  
Ms. Vrinda Kapoor, Adv.

Mr. Talha Abdul Rahman, AOR

Mr. Vishnu Sharma, AOR  
Ms. Anupama Sharma, Adv.  
Ms. Sonali Negi, Adv.  
Mr. Mohit Rai, Adv.

Ms. Aanchal Tikmani, Adv.  
Ms. Liz Mathew, AOR

Mr. Ajay Marwah, Adv.  
Mr. Mool Singh, Adv.

Mrs. K. Enatoli Sema, Adv.  
Mr. Edward Belho, Adv.  
Mr. Amit Kumar Singh, Adv.  
Mr. K. Luikang Michael, Adv.

Mr. Ajit Sharma, AOR  
Mr. Ashwarya Sinha, AOR  
Mr. Bijoy Kumar Jain, AOR  
Mrs. Taruna Singh Gohil, AOR  
Mr. Amit Sharma, AOR  
Mr. Naveen Kumar, AOR  
Mrs. Sarla Chandra, AOR  
Ms. Prerna Mehta, AOR  
Mr. Sachin Patil, AOR  
Mr. Partha Sil, AOR  
Mr. M.A. Krishna Moorthy, AOR  
Mr. K.K. Mohan, AOR  
Mr. Raj Kishor Choudhary, AOR  
Mr. Rabin Majumder, AOR  
Mr. Kedar Nath Tripathy, AOR  
Mr. T. Harish Kumar, AOR  
Mr. Abhijat P. Medh, AOR  
Mr. Pradeep Kumar Bakshi, AOR  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Ravindra Kumar, AOR  
Ms. Sharmila Upadhyay, AOR  
Mr. Ranjan Kumar Pandey, AOR  
Mr. Shekhar Kumar, AOR  
Ms. Supriya Juneja, AOR  
Mr. Balaji Srinivasan, AOR  
Mr. Rajeev Kumar Bansal, AOR  
Mr. Abhishek Yadav, AOR  
Mr. Amarjit Singh Bedi, AOR  
Mr. P.V. Dinesh, AOR

Mr. Arjun Garg, AOR

Mr. Sudhir Naagar, AOR

Mrs. Gargi Khanna, AOR

Mr. Mohan Parasaran, Sr. Adv.

Mr. Akash Tyagi, Adv.

Mr. Pawan Upadhyay, Adv.

M/s. Unuc Legal LLP, AOR

Mr. Ravindra Srivastava, Sr. Adv.

Mr. Ratik Sharma, Adv.

Mr. Shiv Sagar Tiwari, Adv.

Mr. Vivek Sarin, Adv.

Mr. Aakarshan Aditya, Adv.

Mr. Md. Rashid Saeed, AOR

Mr. Lakshminarayanan, Adv.

Mr. C.S. Ashri, Adv.

Mr. Anivesh Bharadwaj, Adv.

Mr. Priyank Ladoia, Adv.

Dr. Lalit Bhasin, Adv.

Ms. Palak Chadha, Adv.

Ms. Shireen Shukla, Adv.

Mr. Mudit Sharma, AOR

Mr. Apporv Shukla, Adv.

Mr. Kunal Cheema, AOR

Mr. Nagendra Dube, Adv.

Mr. V.P. Singh, Sr. Adv.

Mr. Priyank, Adv.

Ms. Anannya Ghosh, AOR

Mr. Saurabh Kirpal, Adv.

Mr. Mayank Pandey, Adv.

Mr. Abhinjan Jha, Adv.

Mr. Suchit Mohanty, Adv.

Mr. Prakash Ranjan Nayak, Adv.

Mr. Manoj K. Mishra, Adv.

Mr. Umesh Dubey, Adv.

Mr. Bishwajit Dubey, Adv.

Mr. Srideepa Bhattacharya, Adv.

Mr. Sumit Attari, Adv.

Mr. Santosh K. Sethi, Adv.  
Mr. Arjun Jaidka, Adv.  
Dr. Kailash Chand, Adv.

Mr. Mohit Chaudhary, Adv.  
Ms. Puja Sharma, Adv.  
Ms. Garima Sharma, Adv.  
Mr. Balwinder Singh Suri, Adv.  
Mr. Kunal Sachdeva, Adv.  
Mr. Imran Ali, Adv.

Mr. Ajay Jain, Adv.  
Mr. Jinendra Jain, Adv.  
Mr. Pranay Jain, Adv.  
Mr. Brijesh Yadav, Adv.  
Mr. Chirag Aneja, Adv.

Mr. Arun K. Sinha, AOR

Mr. Saurabh Gupta, Adv.  
Mr. Gagan Gupta, Adv.

Mr. Hitesh Kumar Sharma, Adv.  
Mr. S.K. Rajora, Adv.  
Mr. Praveen Swarup, AOR

Mr. Braj Kishore Mishra, Adv.  
Ms. Aparna Jha, Adv.  
Mr. Abhishek Yadav, Adv.  
Ms. Kriti Sondhi, Adv.

Ms. Shashi Kiran, AOR  
Mr. Satish Chandra, Adv.  
Mr. Manoj Jain, Adv.

Mr. Vidit Monga, Adv.  
Mr. Vikas Upadhyay, Adv.  
Mr. Ashwin Kumar Nair, Adv.

Mr. Rajesh P., Adv.

Mr. Yunus Malik, Adv.  
Ms. Renu Verma, Adv.  
Mr. Zain A. Khan, Adv.  
Ms. Farha Malik, Adv.  
Mr. Samir Malik, Adv.

Mr. Mangaljit Mukherjee, Adv.  
Mrs. Debarpita Basu Mukherjee, Adv.  
Mr. Sagnik Basu, Adv.

Ms. Tanya Shree, Adv.



Mr. Kunwar Aditya Singh, Adv.  
Mr. Ejaz Maqbool, AOR

Mr. Varinder Kumar Sharma, AOR  
Mr. Mohd. Shahid Hussain, Adv.

Mr. Pawan Kishore Singh, Adv.  
Ms. Madhusmita Bora, AOR

Ms. Manjeet Chawla, AOR

Mr. Raghavendra Mohan Bajaj, Adv.  
Ms. Garima Bajaj, AOR

Mr. Aneesh Mittal, Adv.  
Ms. Shreya Sharma, Adv.

Mr. Rajesh Mahana, Adv.  
Mr. Ramanand, Adv.  
Mr. Bhargava V. Desai, Adv.  
Mr. Akshat Malpani, Adv.

Mr. Rajiv K. Virmani, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. Gaurav Jain, Adv.  
Mr. Yadav Narendra Singh, AOR

Mr. Vivek Vishwakarma, Adv.  
Mr. Prabhat Kr. Rai, Adv.  
Mr. Christopher B. D'Souza, Adv.

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

**I.A. Nos. 67414/2018 in W.P.(C) No. 744/2017**

This is an application for impleadment.

The I.A. is allowed.

**I.A. No. 67416/2018 in W.P.(C) No. 744/2017**

This is an application filed on behalf of Mr. Sundaram Balasubramanian, an independent Director of Jai Prakash Associates Ltd. (JAL) seeking permission to travel to U.K. and Singapore between June and August, 2018. The permission is granted subject to

filing of the itinerary before this Court alongwith an undertaking to come back. The itinerary and undertaking shall be filed by 25.5.2018.

The application is accordingly allowed.

W.P.(C) No. 744/2017 and connected petitions

Having heard learned counsel for the parties at length, it is directed that the Jai Prakash Associates Ltd. (JAL), the holding company of Jaypee Infratech Ltd. (JIL) shall deposit a further sum of Rs.1,000 crores jointly and severally by 15.6.2018. Subject to the said deposit, there shall be a stay of further proceedings only insofar as the liquidation is concerned. In the meantime, interim Resolution Professional (IRP) shall remain in management. If the amount is not deposited by 15.6.2018, the statutory proceedings shall continue.

As far as Rs.750 crores, which is lying in deposit is concerned, it has to be disbursed on *pro-rata* basis amongst the home-buyers.

At this juncture, Mr. Pawanshree Agrawal, learned Amicus Curiae has submitted a proposal for disbursement. Mr. C.A. Sundaram, learned senior counsel appearing for the PNB Housing Finance Ltd. and Mr. Priyank Ladoia, learned counsel appearing for Axis Bank have agreed to depute their representatives to meet Mr. Pawanshree

Agrawal, so that a proposal can be discussed by them and filed before this Court.

If any of the home-buyers wants to change his/her option from seeking refund to seeking flat, he may intimate Mr. Pawanshree Agrawal, learned Amicus Curiae.

Keeping in view the office note, it is directed that the FDRs of Rs.275 crores and Rs.150 crores shall be renewed and Rs.100 crores shall be invested in an interest bearing short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi.

List the matter on 4.7.2018.

(Deepak Guglani)  
Court Master

(Tapan Kumar Chakraborty)  
Court Master