

ITEM NO.38

COURT NO.4

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(s)(Civil) No(s).1216/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P.(C) No. 1226/2020 (X)
(FOR ADMISSION)

W.P.(C) No. 1403/2020 (X)
(FOR ADMISSION)

W.P.(C) No. 175/2021 (X)
(FOR ADMISSION)

Date : 18-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

Mr. Devashish Bharuka, Adv. (AC)

For Petitioner(s) Mr. Ashwani Kumar Dubey, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Rajat Nair, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Durga Dutt, Adv.
Ms. Indira Bhakar, Adv.
Mr. Aman Sharma, Adv.
Shivika Mehra, Adv.
Mr. Amrish Kumar, AOR
Mr. Gurmeet Singh Makker, AOR

Mr. Pinaki Misra, Sr. Adv.
Mr. Rajesh P, AOR

for M/S. Karanjawala & Co., AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Ms. Diksha Rai, AOR
Ms. Ragini Pandey, Adv.

Mr. Manish Kumar, AOR
Mr. Deep Prabhu, Adv.

Mr. S.C. Verma, Sr. Adv./Adv. Gen.
Mr. Sumeer Sodhi, AOR
Ms. Shreya Nair, Adv.

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.
Mr. Akshay C. Shrivastava, Adv.

Mr. Arunabh Chowdhury, Sr. Adv/AAG
Ms. Pragya Baghel, Adv.
Ms Pallavi Langar, AOR
Mr. Kumar Anurag Singh, Adv.
Mr. Abhishek Roy, Adv.
Mr. Aditya Kumar, Adv.
Ms. Shelly Singh, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Mukul Singh Dy. AG, M.P.
Mr. Ramesh Thakur, Adv.
Mr. Sunny Choudhary AOR

Mr. Aaditya A. Pande, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Upendra Mishra, Adv.
Mr. P.S Negi, Adv.
Mr. S.R. Kochher, Adv.

Mr. Kiran Kumar Patra, AOR
Mr. Chandan Maity, Adv.

Mr. Surjendu Sankar Das, AOR
Ms. Annie Mittal, Adv.

Mrs. G. Indira, AOR

Mr. Vaibhav Niti, AOR

Mr. G. Prakash, AOR,

Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.
Mr. Krishna Shree Devee, Adv.
Mr. Saurabh Choudhary, Adv.

Mr. Amit Kumar Singh, Adv.
Mrs. K. Enatoli Sema, AOR
Ms. Chubalemla Chang, Adv.

Mr. Ankur S. Kulkarni, AOR

Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Vivek Kolhi, Adv. Gen.
Mr. Sameer Abhyankar, AOR
Ms. Yeshi Rinchen, Adv.
Mr. Abhinav Mishra, Adv.
Ms. Nishi Sangtani, Adv.

Mr. Shailesh Madiyal, AOR

Mr. Mahfooz A. Nazki, AOR
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Mr. Agam Sharma, Adv.
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Ms. Nupur Sharma, Adv.
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kumar Mahara, Adv.

Mr. Nikhil Majithia, AOR

Mr. Kaleeswaram Raj, Adv.
Mr. Mohammed Sadique T.A, AOR
Mr. Varun C. Vijay, Adv.
Ms. Thulasi K. Raj, Adv.

Mr. Rajesh P., AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Ishaan Borthakur, Adv.

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

- 1 On 2 March 2022, the Secretary in the Union Ministry of Housing and Urban Affairs addressed a communication to the Chief Secretaries of the States/UTs calling for the following information:
 - (i) the latest copy of the agreement for sale rules notified by the State/UT under the RERA; and
 - (ii) a comparison sheet between the said rules and the rules framed by the Union Ministry of Housing and Urban Affairs for UT s without a legislature.

- 2 The Court has been apprised of the fact that five States initially responded to the letter. Following this, a comparison sheet was prepared by the Ministry which was circulated on 12 April 2022 to all the States/UTs, whose responses were requested. The matter rests at that stage presently.
- 3 In order to facilitate the exercise which is being carried out by the Union Ministry of Housing and Urban Affairs under the auspices of the orders of this Court, we direct all the Chief Secretaries of the States/UTs, as the case may be, to positively respond to the communication dated 2 March 2022 and the email dated 12 April 2022 by circulating the information to the Secretary, Ministry of Housing and Urban Affairs, Government of India on or before 15 May 2022.
- 4 Ms Aishwarya Bhati, Additional Solicitor General and Mr Devashish Bharuka, *amicus curiae* have assured the Court that the information shall be duly processed and a concise report indicating whether the state rules comply with the substratum of the rules which have been framed by the Union government under the RERA shall be submitted.
- 5 List the petitions in the third week of July 2022.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER