

ITEM NO.1 Court 11 (Video Conferencing)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1808-1809/2019 in C.A. No. 4784-4785/2019, C.A. No. 4786-4789/2019 and C.A. No. 4790-4793/2019

**THE KERALA STATE COASTAL ZONE MANAGEMENT
 AUTHORITY MEMBER SECRETARY**

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

(MR. GAURAV AGRAWAL, ADVOCATE (Appointed as Amicus Curiae as per Hon'ble Court's Order dt.06.11.2020)

- IA No. 166355/2019 - APPLICATION FOR PERMISSION
- IA No. 172049/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 163011/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 114391/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 166357/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 23808/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 24263/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 164801/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 24150/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 177841/2019 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 128339/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 24126/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 23986/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 23900/2020 - CLARIFICATION/DIRECTION
- IA No. 22127/2020 - CLARIFICATION/DIRECTION
- IA No. 112347/2020 - CLARIFICATION/DIRECTION
- IA No. 5882/2021 - CONDONATION OF DELAY IN FILING THE WRITTEN SUBMISSION
- IA No. 114394/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 97554/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 114388/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 114373/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 126692/2020 - INITIATING CONTEMPT PROCEEDINGS
- IA No. 163234/2019 - INTERVENTION APPLICATION
- IA No. 172044/2019 - INTERVENTION APPLICATION
- IA No. 164264/2019 - INTERVENTION APPLICATION
- IA No. 128337/2020 - INTERVENTION APPLICATION
- IA No. 163399/2019 - INTERVENTION APPLICATION
- IA No. 174269/2019 - INTERVENTION APPLICATION
- IA No. 23983/2020 - INTERVENTION/IMPLEADMENT
- IA No. 163007/2019 - INTERVENTION/IMPLEADMENT
- IA No. 24261/2020 - INTERVENTION/IMPLEADMENT
- IA No. 114385/2020 - INTERVENTION/IMPLEADMENT
- IA No. 144204/2019 - INTERVENTION/IMPLEADMENT
- IA No. 164799/2019 - INTERVENTION/IMPLEADMENT
- IA No. 24148/2020 - INTERVENTION/IMPLEADMENT

IA No. 114370/2020 - INTERVENTION/IMPLEADMENT
 IA No. 177839/2019 - INTERVENTION/IMPLEADMENT
 IA No. 158544/2019 - MODIFICATION
 IA No. 110187/2020 - MODIFICATION OF COURT ORDER
 IA No. 113938/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 22119/2020 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH

CONMT.Petition (C) NO.1162-1163/2019 in MA No.1808-1809/2019 in C.A.
 No. 4786-4789/2019 and C.A. No. 4790-4793/2019 (XI-A)
 (FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 113454/2020
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 130416/2020
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 130417/2020
 IA No. 130417/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 113454/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 24-02-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
 HON'BLE MR. JUSTICE KRISHNA MURARI

Mr. Gaurav Aggarwal, Adv. (A.C.)

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
 Mr. Sachin Patil, AOR
 Mr. Geo Joseph, Adv.

By Courts Motion, AOR

For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.
 Mr. Sanjay Jain, Adv.
 Mr. Shishir Pinaki, AORf=

Mr. Rana Mukherjee, Sr. Adv.
 Mr. K. Rajeev, AOR

Dr. A.M. Singhvi, Sr. Adv.
 Mr. R. Basant, Sr. Adv.
 Mr. Santosh Mathew, Adv.
 Mr. A. Karthik, AOR
 Ms. Madhavi Khanna, Adv.
 Ms. Smirthi Suresh, Adv.
 Mr. Arsh Khan, Adv.
 Ms. Sreepriya K., Adv.
 Mr. Akshay Sahay, Adv.

Mr. Radha Shyam Jena, AOR

Mr. R. Venkataramani, Sr. Adv.

Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G. Prakash, AOR

Ms. Liz Mathew, AOR
Mr. Manish Jha, Adv.
Ms. Sonali Jain, Adv.

Ms. Pallavi Pratap, AOR

Mr. Mahabir Singh, Sr. Adv.
Mr. Ram Niwas Buri, Adv.
Mr. G.P. Tiwari, Adv.
Ms. Preeti Singh, AOR
Mr. Sunklan Porwal, Adv.

Mr. Vanshdeep Dalmia, AOR

Mr. V. Chdiambaresh, Sr. Adv.
Mr. Bijo Mathew Joy, Adv.
Mr. C. Govind Venugopal, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

Mr. Prashant Padmanabhan, AOR

Mr. Gopal Shankarnarayanan, Sr. Adv.
Mr. Lakshmeesh S. Kamath, AOR
Mr. Soheb Rehman, Adv.

Ms. Prachi Bajpai, AOR

Mr. Kailas Bajirao Autade, AOR

Mr Rahul Jain, AOR

Mr. Rohit Kumar Singh, AOR
Mr. Shrey Saini, Adv.

Mr. Abdul Azeem Kalebudde, AOR

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

I.A. NO.158544/2019:

We have heard Sh. Gaurav Aggarwal, Learned Amicus Curiae, Dr. Abhishek Manu Singhvi, learned senior counsel appearing for M/s

Jain Housing and Ms. Meenakshi Arora, learned senior counsel appearing for the concerned home buyers.

The committee presently has calculated Rs.28.53 crores towards the share of M/s Jain Housing to be deposited for purposes of disbursement to the home buyers. By our order dated 27.09.2019, we had required M/s Jain Housing to deposit Rs.16.5 crores. We are informed, and it is not in dispute, that a sum of Rs.2 crores only has been deposited. The properties of M/s Jain Housing have all been attached by our orders.

Dr. Singhvi submitted that the property of M/s Jain Housing at Chillavanoor measuring Rs.383 ares has been valued at Rs.85.25 crores by the Committee while according to his client it is valued at Rs.93.27 crores. It is submitted that this property alone would be sufficient to meet the existing liabilities and any possible enhancement. The prayer, therefore, is made that the other attached properties may be released. He submits that Chillavanoor property is no more encumbered, relying on letter dated 04.12.2020 from LIC HFL to that effect. His clients are willing to furnish an undertaking on affidavit before this Court also that the property stands released from mortgage. We require such affidavit to be filed within two weeks.

Sh. Gaurav Aggarwal has pointed out to us that at this stage M/s Jain Housing may be directed to make a further deposit Rs.12.26 crores, subject to which this Court may consider their request.

We direct M/s. Jain Housing to deposit a sum of Rs.12.26 crores in two installments within four months. The first installment of Rs.6.12 crores must be deposited within two months.

Only thereafter we shall consider release of the attached properties. Till then status quo will continue with regard to attached properties.

The I.A. NO.158544 of 2019 stand disposed of.

We have heard Sh. Gaurav Aggarwal, learned Amicus Curiae, Sh. Kapil Sibal, learned senior counsel appearing on behalf of M/s Vichus Constructions and Mr. Gopal Shankarnarayanan for the home buyers.

In the present case, M/s Vichus Constructions was presently required to make a deposit of Rs.13.37 crores, out of which amount of Rs.2.89 crores has been deposited. Mr. Sibal, learned senior counsel submits that his clients are willing to make a further deposit of Rs.3.86 crores forthwith if they are permitted to dispose of one property for which they have entered in to agreement for sale. The details of the property are placed before us are identified as follows:

"All that piece and parcel of land having an extent of 15.73 ares comprised of 0.05 ares in Sy. No.1449/1, 0.15 ares in Sy. No.1449/2, 02.28 Ares in Sy. No.1450/1 and 13.25 Ares in Sy. No.1450/2 in Ernakulam Village in Kanayannur Taluk in Ernakulam District covered by Regd. Sale Deed No.2270 of 1987 of Sub Registry Office, Ernakulam with 8 storied (including BF, GF and TF) commercial building complex having 5193.56 Sq. M of Plinth Area therein bearing Cochin Corporation Door NO.62/2125A."

At the present moment, we permit Mr. Sibal's client to do so and lift the freeze on the bank accounts of M/s.Vichus Constructions only for the limited purpose to facilitate receipt of

the deposit within six months. In case of any issues, liberty is granted to mention.

List the matters on 10.03.2021.

(SWETA DHYANI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)