

ITEM NO.7+43

COURT NO.4

SECTION III-A

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

CONMT.PET.(C) No. 151/2022 in C.A. No. 5041/2021

CHANDRANI BANERJEE

Petitioner(s)

VERSUS

R.K. ARORA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.31573/2022-EXEMPTION FROM FILING AFFIDAVIT)

WITH

Diary No(s). 6706/2022 (III-A)

(WITH IA No. 31091/2022 - CLARIFICATION/DIRECTION, IA No. 31088/2022 - CLARIFICATION/DIRECTION, IA No. 38465/2022 - INTERVENTION APPLICATION, IA No. 38349/2022 - INTERVENTION APPLICATION, IA No. 31090/2022 - INTERVENTION APPLICATION, IA No. 31087/2022 - INTERVENTION APPLICATION)

Diary No(s). 8167/2022 (III-A)

(WITH IA No. 38966/2022 - APPLICATION FOR PERMISSION, IA No. 38975/2022 - CLARIFICATION/DIRECTION, IA No. 38969/2022 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 152/2022 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)

CONMT.PET.(C) No. 153/2022 in C.A. No. 5042/2021 (III-A)
(WITH IA No. 38881/2022 - EXEMPTION FROM FILING PAPER BOOKS)

CONMT.PET.(C) No. 154/2022 in C.A. No. 5042/2021 (III-A)
(FOR ADMISSION)

MA 572/2022 in CONMT.PET.(C) No. 968/2021 in C.A. No. 5041/2021
(III-A)
(WITH IA No. 44799/2022 - APPROPRIATE ORDERS/DIRECTIONS)

MA 573/2022 in CONMT.PET.(C) No. 967/2021 in C.A. No. 5041/2021
(III-A)
(WITH IA No. 44809/2022 - APPROPRIATE ORDERS/DIRECTIONS)

MA 592/2022 in C.A. No. 5041/2021 (III-A)

(FOR ADMISSION and IA No.50012/2022-CLARIFICATION/DIRECTION)

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

CORAM :

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

Mr. Gaurav Agrawal, AOR

For Petitioner(s) Mr. Ravi Bharuka, AOR
Mr. Sushant Mahajan, Adv.

Dr. S. K. Verma, AOR
Mr. Vipul Sharma, Adv.
Mr. Saurabh Upadhyay, Adv.

Mr. Rahul Raj Malik, Adv.
Ms. Rupali Sharma, AOR
Mr. Ajay Sharma, Adv.

Mr. S. Ganesh, Sr. Adv.
Mr. E. C. Agrawala, AOR

Mr. Abraham C Mathews, Adv.
Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. R. Chandrachud, AOR

For Respondent(s) Mr. Rishabh Parikh, Adv
Mr. Mahesh Agarwal, Adv
Mr. S.Sahil Reddy, Adv
Mr. E.C.Agrawala, AOR

Mr. Anish Agarwal, AOR

Mr. R. Chandrachud, AOR

Mr. Bhakti Vardhan Singh, AOR

Mr. Ravindra Raizada, AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Manoj Mishra, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamendra Mishra, AOR

Mr. Tarun Gupta, AOR

Mr. Vivek Singh, Adv.
Mr. Apurv, Adv.
Ms. Medhya Ahluwalia, Adv.
Mr. Arjun Singh Bhati, Adv.

Mr. Anurag Ojha, Adv.
Mr. Karan Aggarwal, Adv.
Mrs. Shubhangi Tuli, AOR

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

- 1 Mr Gaurav Agrawal, *amicus curiae*, has placed a note of submissions on the record. Paragraph 4 of the note which has been submitted by the *amicus curiae* records that out of 711 flat buyers, the claims of 652 appear to have been settled by the erstwhile management of Supertech Limited¹. This statement in paragraph 4 of the note is based on the information which has been furnished to the *amicus curiae* by Supertech.
- 2 Mr S Ganesh, senior counsel appearing on behalf of Supertech, confirms the correctness of the statement and submits that as of 25 March 2022, only 59 home buyers out of a total of 711 have to be refunded the amounts due and payable in terms of the judgment dated 31 August 2021.
- 3 Mr Rishabh Parikh, counsel, appears on behalf of the IRP who has been appointed pursuant to the order of the National Company Law Tribunal dated 25 March 2022.
- 4 In order to resolve the outstanding claims of the home buyers, we issue the following directions:
 - (i) The home buyers of the twin towers which are governed by the order of this Court dated 31 August 2021 shall file their claims with the IRP by 15 April 2022 with a copy to Mr Gaurav Agrawal, *amicus curiae*. Counsel appearing on behalf of the IRP states that in the portal which has been created for the filing of claims by creditors, a separate tab is provided for the claims of the purchasers in the twin towers;

1 “Supertech”

- (ii) All claims received up to 15 April 2022 by the IRP in terms of (i) above shall be collated together with the interest due and placed before this Court by 30 April 2022;
- (iii) The IRP shall indicate in his report whether the amount available with Supertech or which can reasonably be made available in the near future from the running operations would be sufficient to meet the outstanding claims of the remaining home buyers covered by the judgment of this Court dated 31 August 2021; and
- (iv) The claims of the remaining home buyers shall, at the present stage, be segregated from the other creditors.

5 List the Miscellaneous Applications and Contempt Petitions on 6 May 2022.

Miscellaneous Application D No 8167 of 2022 in Contempt Petition (C) No 66 of 2022

- 1 The application has been instituted by Supertech seeking a clarification of the order dated 18 February 2022 to the extent that time for making payment may be fixed as 31 March 2022 instead of 28 February 2022. However, it appears that the amount has admittedly been refunded to the flat buyer (Ms Seema Kaur). The application is, therefore, rendered infructuous. The TDS amount of Rs 4,05,643 shall be deposited by the IRP with the Income Tax Department.
- 2 The Miscellaneous Application is disposed of.

Miscellaneous Application No 572 of 2022 in Contempt Petition (C) No 968 of 2021

- 1 The relief which has been sought in the application is for a direction to Supertech to pay an amount of Rs 1,92,215 to the applicant as interest beyond 31 August 2021. The amount with interest up to 19 January 2022 was worked out at Rs

27.37 lakhs. The amount of Rs 26.95 lakhs was refunded on 19/31 January 2022. The TDS of Rs 41,287 which has been deducted shall be deposited by the IRP with the Income Tax Department.

- 2 The Miscellaneous Application is disposed of.

Miscellaneous Application No 573 of 2022 in Contempt Petition (C) No 967 of 2021

- 1 The relief which has been sought in the application is for a direction to Supertech to pay an amount of Rs 2,70,913 to the applicant as interest beyond 31 August 2021. The amount with interest up to 2 February 2022 was worked out at Rs 58.83 lakhs. The amount of Rs 56.84 lakhs was refunded on 2 February 2022. The TDS of Rs 1,97,864 which has been deducted shall be deposited by the IRP with the Income Tax Department.

- 2 The Miscellaneous Application is disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER