

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. Nos. 4784-4785/2019, C.A. Nos. 4786-4789/2019 and C.A. Nos. 4790-4793/2019

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

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

**(ONLY I.A NO. 58161/2021 IN MA. NO. 1808-1809/2019 TO BE LISTED
IA No. 58161/2021 - APPROPRIATE ORDERS/DIRECTIONS)**

Date : 06-05-2021 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN**

Counsel for the parties:

By Courts Motion

Mr. K. Rajeev, AOR

Mr. Siddhartha Dave, Sr. Adv.

Mr. A. Karthik, AOR

Ms. Smrithi Suresh, Adv.

Ms. Sreepriya K., Adv.

Mr. V. Chidambares, Sr. Adv.

Mr. Bijo Mathew Joy, Adv.

Mr. Manu Krishnan G., Adv.

Mr. C. Govind Venugopal, Adv.

Mr. Seshatalpa Sai Bandaru, AOR

Mr. R. Venkataramani, Sr. Adv.

Mr. Jishnu M.L. , Adv.

Ms. Priyanka Prakash, Adv.

Ms. Beena Prakash, Adv.

Mr. G. Prakash, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Sanjay Jain, Adv.
Mr. Shishir Pinaki, AOR

Mr. Radha Shyam Jena, AOR

Mr. Gaurav Agrawal, AOR

Mr. Rohit Kumar Singh, AOR

Mr. Abdul Azeem Kalebudde, AOR

Ms. Liz Mathew, AOR

Ms. Pallavi Pratap, AOR

Mr. Ram Niwas Buri, Adv.

Mr. G.P. Tiwari, Adv.

Ms. Preeti Singh, AOR

Mr. Sunklan Porwal, Adv.

Mr. Vanshdeep Dalmia, AOR

Mr. Prashant Padmanabhan, AOR

Mr. Lakshmeesh S. Kamath, AOR

Ms. Prachi Bajpai, AOR

Mr. Kailas Bajirao Autade, AOR

Mr. Rahul Jain, AOR

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

We have heard Sri Siddharth Dave, learned senior counsel for the applicant, learned Amicus Sri Gaurav Agrawal, Ms. Meenakshi Arora, learned senior counsel for the concerned home buyers, Sri R. Venkataramani, learned senior counsel for the State of Kerala and other learned counsel appearing in the matter.

Pursuant to our order dated 24.02.2021, M/s. Jain Housing & Constructions Ltd. has deposited a sum of Rs.6.12 crores as the first installment. Sri Dave submits that the balance amount under the aforesaid order shall be positively deposited within the stipulated time. He submits that I.A. may be allowed and the attachment be lifted and the RERA Authorities may be directed to register fresh projects of the applicant.

Sri Gaurav Agrawal, learned Amicus submits that apart from the Rs.6.12 crores deposited under the order dated 24.02.2021, an amount of Rs. 2 crores has been deposited earlier by M/s. Jain Housing & Constructions Ltd. Rupees 1.50 crores is available out of the deposit as Rs. 50,00,000/- has been paid by the Committee to the State Government for expenses. The total amount deposited may be disbursed on pro rata basis to the flat owners and agreement holders of M/s. Jain Housing & Constructions Ltd. which will meet approximately 47% of their dues.

We direct that the amount of Rs.6.12 crores + 1.50 crores lying in deposit to the account of M/s.Jain Housing & Constructions Ltd. be disbursed on pro rata basis to the flat owners and agreement holders of M/s. Jain Housing & Constructions Ltd.

In view of the unequivocal commitment reiterated today to comply with the earlier order for depositing the balance amount within the stipulated time, we lift the attachments in respect of the properties and bank accounts of the applicant and its sister concerns and Directors of the companies.

However, the attachments of the lands in Chillavanoor, Ernakulam shall continue and the applicant is restrained from dealing with the same in any manner.

We also grant liberty to the applicant to approach the RERA Authorities for registration of other projects, which naturally has to be considered by the RERA Authorities independently in accordance with law. The I.A.No.58161/2021 stands disposed of.

Sri Dave submits that he may be permitted to withdraw prayer (c) of the application to avail remedy in respect thereof before the High Court. The prayer is allowed.

(RAJNI MUKHI)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)