

REVISED

ITEM NO.50

COURT NO.11

SECTION XVII

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

Civil Appeal No(s). 6923/2021

RG LUXURY HOMEBUYERS ASSOCIATION (REGD.)

Appellant(s)

VERSUS

RAJESH GOYAL & ORS.

Respondent(s)

(IA No. 92541/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 112647/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 60679/2023 - INTERVENTION / IMPLEADMENT, IA No. 33437/2022 - INTERVENTION / IMPLEADMENT, IA No. 18603/2022 - INTERVENTION / IMPLEADMENT, IA No. 4177/2022 - INTERVENTION / IMPLEADMENT, IA No. 164916/2023 - INTERVENTION / IMPLEADMENT, IA No. 144790/2023 - INTERVENTION / IMPLEADMENT, IA No. 1607/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 112645/2021 - STAY APPLICATION)

Date : 11-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Mr. M. L. Lahoty, Adv.  
Mr. Himanshu Shekhar, AOR  
Mr. Paban Kumar Sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Pranab Kumar Nayak, Adv.  
Mr. Arvind Kumar, Adv.

For Respondent(s) Mr. Aryama Sundaram, Sr. Adv.  
Mr. Saurabh Jain, Adv.  
Mr. Prayag Jain, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Rohit K. Singh, AOR

Mr. Siddharth Dave, Sr. Adv.  
Mr. Abhindra Maheshwari, Adv.  
Mr. Manu Shekhar Sharma, Adv.  
Mr. Kumar Mihir, AOR

Mr. MKS Menon, Adv.

Ms. Malini Poduval, Adv.  
Ms. Usha Nandini V., AOR  
Mr. Biju P Raman, Adv.

Mr. Ravindra Kumar, Sr. Adv.  
Mr. Binay Kumar Das, AOR  
Ms. Priyanka Das, Adv.  
Ms. Neha Das, Adv.

Mr. Chand Qureshi, AOR  
Mr. Bharat Singh, Adv.  
Dr. Chandra Rajan, Adv.  
Mr. Syed Mansoor Ali Rizvi, Adv.  
Ms. Preeti Chauhan, Adv.  
Mrs. Arpana Soni, Adv.  
Mr. Mohit Yadav, Adv.  
Mrs. Aarti Pal, Adv.

Mr. Abhishek Vikram, AOR  
Mr. Vedant Singh, AOR  
Mr. Kaushik Poddar, AOR

Mr. Rudreshwar Singh, Adv.  
Mr. Kaushik Poddar, AOR

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

IA No.144790 of 2023 for impleadment is allowed.

IA No.4177 of 2022 filed by RG Jan Kalyan Samiti (Regd.) seeking impleadment as party respondent is allowed. The applicant is representing 333 homebuyers as listed in Annexure B.

Cause title be amended accordingly.

As far as IA No.60679 of 2023 filed by Mr. Nitin Jain seeking impleadment as appellant is concerned, we direct the respondent no.5-Interim Resolution Professional (IRP) to look into the claim made by the applicant in this application. The learned counsel appearing for the applicant states that he is seeking refund in terms of the impugned order. Respondent no.5-IRP to file response

before the next date of hearing.

We have perused a chart containing present status tendered by the learned senior counsel appearing for the respondent no.1 as well as the affidavits filed by respondent no.5-IRP and respondent no.6-Greater Noida Industrial Development Authority.

As of today, only temporary occupancy certificate has been granted in respect of Towers A, B, C and M on 18<sup>th</sup> August, 2023, subject to conditions incorporated therein. Unless regular occupancy certificate is granted, we cannot direct possession to be handed over to the homebuyers. Learned senior counsel appearing for the respondent no.1 assures us that necessary compliance will be made.

In the affidavit filed by respondent no.5-IRP at Annexure B, a chart has been annexed showing the amounts due and payable by the homebuyers who are being represented by the appellant. The applicant-RG Jan Kalyan Samiti (Regd.) in IA No.4177 of 2022 also seeks to represent 333 homebuyers. Respondent no.5-IRP will file a similar statement on record setting out the amounts due and payable by the said 333 homebuyers. Respondent no.5-IRP will place on record a complete list of homebuyers in relation to this project of nine Towers and the amounts so far paid by the homebuyers according to the record available with respondent no.5-IRP. Such affidavit shall be filed by 16<sup>th</sup> October, 2023. A copy of the same shall be served to the learned counsel appearing for the parties including the learned counsel for the intervenor.

If the appellant and intervenor desire to know the break-up of

the amounts specified by respondent no.5-IRP, they are free to approach respondent no.5-IRP for necessary clarification.

List the matter on 30<sup>th</sup> October, 2023.

Learned senior counsel appearing for respondent no.1 states that endeavour will be made by respondent no.1 to comply with all the conditions imposed while granting temporary occupancy certificate, subject to just objections. However, we record that it will be the duty of respondent no.1 to ensure that regular occupancy certificate is granted in respect of all the Towers.

Permission is granted to respondent no.6-Greater Noida Industrial Development Authority to file an affidavit, the copies of which have been tendered across the Bar.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

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