

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

RECORD OF PROCEEDINGS

Civil Appeal No(s). 6923/2021

RG LUXURY HOMEBUYERS ASSOCIATION (REGD.)

Appellant(s)

VERSUS

RAJESH GOYAL & ORS.

Respondent(s)

IA No. 222137/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 92541/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 112647/2021 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

IA No. 188438/2024 - EXEMPTION FROM FILING O.T.

IA No. 222123/2023 - INTERVENTION APPLICATION

IA No. 18603/2022 - INTERVENTION/IMPLEADMENT

IA No. 164916/2023 - INTERVENTION/IMPLEADMENT

IA No. 33437/2022 - INTERVENTION/IMPLEADMENT

IA No. 1607/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 112645/2021 - STAY APPLICATION

Date : 18-07-2025 This matter was called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Himanshu Shekhar, AOR

Mr. M L Lahoty, Adv.

Mr. Anchit Sripat, Adv.

Mr. Arvind Kumar, Adv.

Ms. Siddhi Bohra, Adv.

For Respondent(s) : Mr. Siddarth Dave, Sr. Adv.

Mr. Kumar Mihir, AOR

Mr. Abhinandra Maheswari, Adv.

Mr. Atul Joseph, Adv.

Mr. Ravindra Kumar, Sr. Adv.

Mr. Vipin Kumar Saxena, Adv.

Mr. Binay Kumar Das, AOR

Ms. Priyanka, Adv.

Ms. Neha Das, Adv.

Mr. Shivam Saksena, Adv.

Mr. Paramjit Singh Patwalia, Sr. Adv.

Mr. Saurabh Jain, Adv.

Mr. Prayag Jain, Adv.

Mr. Rohit K. Singh, AOR

Mr. Pritam Bishwas, Adv.

Mr. Rudreshwar Singh, Sr. Adv.

Mr. Kaushik Poddar, AOR

Ms. Tanishka, Adv.

Ms. Shriya Maini, AOR

Ms. Usha Nandini V., AOR

Mr. Chand Qureshi, AOR

Mr. Rakesh Kumar Yadav, Adv.

Mr. Mohit Yadav, Adv.

Mrs. Arpana Soni, Adv.

Mr. Mohd Tauheed, Adv.

Mr. Imran Siddiqui, Adv.

Mr. Rakesh Ranjan, Adv.

Mr. Vijay Kumar, Adv.

Mr. Vedant Singh, AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Shailendra Kumar Nirmal, Adv.

Mr. Sujeet Kumar, Adv.

Mr. Surya Pratap, Adv.

Mr. Anurag Jain, Adv.

Mr. Onkar Prasad, Adv.

Mr. Chandra Prakash, AOR

Dr. Manish Aggarwal, Adv.

Mr. Anand Prakash, Adv.

Ms. Priyanka Verma, Adv.

Mr. Amit Ambawat, Adv.

Ms. Deepika Sachdeva, Adv.

Ms. Shilpa Kumari, Adv.

Ms. Divya Chaudhary, Adv.

Mr. Ankit Kumar, Adv.

Mr. Vishal Arun Mishra, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. On 13.05.2025, following order was passed :

“Pursuant to this Court’s order dated 17th April, 2025, an affidavit has been filed by the

first respondent dealing with 99 home buyers whose names are included in the list tendered on the last date by the learned counsel for the appellant across the Bar.

Those buyers, out of 99, who have paid the entire amount and whose flats are ready, the first respondent shall proceed to hand over the possession to them. In case of the flats where work is in progress, as soon as the work is over, possession shall be handed over to those persons who have paid the entire amount.

The learned senior counsel appearing for the first respondent states that an application for occupancy certificate in respect of Towers 'G' and 'H' has been made on 2nd May, 2025.

We direct the first respondent to file further compliance report reporting compliance with all the directions issued by this Court from time to time by 14th July, 2025.

List on 18th July, 2025.

We have perused the affidavit filed by the fifth respondent/Interim Resolution Professional (IRP) of Rajesh Projects India Private Limited.

If the fifth respondent has any grievance against the Enforcement Directorate, it is for the fifth respondent to file appropriate proceedings in accordance with law.

IA No.121280/2025 - IMPLEADMENT

IA No.121282/2025 - FOR DIRECTIONS

The orders passed by this Court from time to time will show that an endeavour is being made to ensure that the developer gives possession of the flats to the home buyers.

However, these applications seek to raise individual grievance regarding a particular flat, payment of maintenance etc.

We dispose of these applications by granting liberty to the applicant to file appropriate proceedings in accordance with law."

2. Pursuant to above order, a compliance affidavit has been filed by respondent no.1 in respect of status of possession qua towers 'A', 'B', 'C' and 'M' and towers 'D', 'E' and 'F'. In paragraph 4 of the compliance affidavit, status of possession of towers 'A', 'B', 'C' and 'M' is depicted as under :

"4. It is most respectfully submitted that the current status of possession as on 30.06.2025 with respect to 852 units in towers 'A', 'B', 'C' and 'M' is as follows :

Sl. No.	Particulars	A	B	C	M	Total
1	Approached for possession.	228	194	186	215	823
2	Final payment & documentation completed.	204	174	166	188	732
3	Final payment & documentation under process.	24	21	19	27	91
4	Flats handed over.	127	142	127	129	525
5	Flats ready for possession	41	16	8	22	87
6	Internal-fit-out work in progress.	36	16	31	37	120

A chart showing detailed information of all the allottees of towers A, B, C & M with status of their possession as on 30.06.2025 is annexed herewith and marked as ANNEXURE -A (Page No.8 to 33)"

3. It appears from the aforesaid chart that final payment and documentation is complete in respect of 732 allottees whereas possession has been handed over to only 525 allottees. The chart depicts that 87 flats are

ready for possession and in 120 flats, internal fitting work is in progress.

4. The counsel representing the allottees submitted that there is no justification for withholding handing over of possession of those flats which are ready. He also submitted that in the compliance affidavit it is not disclosed as to within what time internal fitting of 120 flats would be over.
5. In response to the above submission, Shri Paramjit Singh Patwalia, learned senior counsel who represents respondent no.1, submits that the flats which are ready for handing over possession can be delivered to the allottees forthwith and therefore the allottees may be required to takeover possession by approaching respondent no.1 within a week. He undertakes that if the concerned allottees make a request for taking over possession of those flats, the possession of those flats shall be handed over forthwith.
6. In respect of 120 flats in towers 'A', 'B', 'C' and 'M', Shri Patwalia submits that internal fitting work is in progress which shall be completed within six weeks from today. The aforesaid statement is recorded. It is expected that the same shall be abided.

7. As regards status of possession of towers 'D', 'E' and 'F' in paragraph 7 of the compliance report it is status as under:

"7. As on 30.06.2024, the status of possession with respect to 598 units in Towers D, E & F is as under:

Sl. No.	Particulars	D	E	F	Total
1	Approached for possession.	160	166	159	485
2	Final payment & documentation completed.	118	123	116	357
3	Final payment & documentation under process.	42	43	43	128
4	Flats handed over.	39	43	46	128
5	Flats ready for possession	3	4	16	23
	Internal-fit-out work in progress.	76	76	54	206

A chart showing detailed information of all the allottees of towers D, E, & F with status of their possession as on 30.06.2025 is annexed herewith and marked as ANNEXURE -C (Page No.38 to 55)"

8. A perusal of the chart regarding status of possession of

towers D, E and F would indicate that final payment and documentation is complete in respect of 357 apartments whereas possession has been handed over of only 128 flats. 23 flats are shown ready for possession and 206 flats are stated to be undergoing internal fitting.

9. The learned counsel representing the allottees submitted that here also timelines be fixed for handing over possession of the ready flats as well as for those where internal fitting work is in progress.
10. Shri Patwalia submits that insofar as the flats which are ready for possession are concerned, the possession can be handed over forthwith subject to the allottees approaching them for delivery of the flats. In such circumstances, we deem it appropriate to provide that if the allottees concerned approach the respondent no.1 for delivery of those 23 flats, the same shall be handed over within a week.
11. In respect of 206 flats where internal fitting work is in progress, Mr. Patwalia submits that here 8 weeks' time be provided for respondent no.1 to complete the internal fitting work so that they are ready for delivery of possession. We accept the above time limit and expect that within eight weeks from today internal

fitting work in those 206 flats shall be completed and they shall be ready for possession and, thereafter, if the allottees of those flats approach respondent no.1 for delivery of possession, those flats shall be handed over to the allottees concerned.

12. At this stage, we notice from the chart that there are certain flats in respect of which final payment and documentation is under process i.e. final payment is yet to be made.

13. From the aforesaid two charts, it appears that final payment and documentation is complete not in respect of all the flats but in respect of some of the flats. To ensure that the entire project is completed expeditiously and issues are resolved, we deem it appropriate to fix an outer time limit of six weeks for those allottees who have not yet made payment to complete their payment. On such payment being made, the respondent no.1 shall formalize the documentation of those flats within next two weeks. On completion of the payment and execution of the documents, possession of those flats shall be delivered, as per the agreement, within next 60 days.

14. As regards, tower 'G' and 'H', in the compliance report,

it is mentioned that occupancy certificate for towers 'G' and 'H' was applied on 02.05.2025 but No Objection Certificates (NOCs) from respective departments is awaited.

15. The counsel representing the Greater Noida Authority/concerned department submits that there were certain defects in the applications which have been pointed out to respondent no.1 by letter dated 24.06.2025.

16. Shri Patwalia submits that in response to that letter, already action has been taken and it is expected that the occupancy certificate and necessary formalities will be completed shortly.

17. Be that as it may, we expect that necessary compliances in respect of tower 'G' and 'H' shall be made expeditiously preferably within a period of next six weeks.

18. List the matter on 19.09.2025. On the next date, a fresh compliance affidavit shall be filed by respondent no.1.

19. IA No.156854 of 2025 - this application is by Ms. Nidhi Manglik praying for a direction to the respondent no.1

to handover possession of Unit C-1201 and C-1202 in tower 'C' in the project of RG Luxury Home, GH-07A, Sector 16B, Greater Noida West, Gautam Buddha Nagar, Uttar Pradesh.

20. The learned counsel representing the applicant submits that the applicant has offered payment of entire dues payable in respect of the aforesaid flat, but neither possession has been handed over nor documentation has been completed.

21. Shri Patwalia, learned counsel for respondent no.1, submits that as per his instructions the payment in respect of those flats is yet to be made because the cheques which are shown to have been handed over are yet to be encashed. He further submits that the documentation is not complete and therefore the possession of those units have not been handed over. He, however, submits that if Ms. Nidhi Manglik submits revalidated cheques/drafts of the amount concerned and complete the necessary documentation, the possession of the units shall be handed over within 60 days from the date of completion of the formalities/payment of the amounts due.

22. In light of the aforesaid statement of Mr. Patwalia this

IA No.156854 of 2025 is disposed of by providing that the applicant shall ensure payment of the entire amount due in respect of the aforesaid units within two weeks from today by handing over bank draft or fresh cheque of the balance amount payable. On encashment of the draft/cheque, necessary documentation of those units shall be completed within next three weeks. On completion of documentation of those units, possession shall be handed over in the next 60 days.

23. IA No.156898 of 2025 - Application for impleadment is allowed.

(RASHI GUPTA)
COURT MASTER (SH)

(SAPNA BANSAL)
COURT MASTER (NSH)