

ITEM NO.48

COURT NO.15

SECTION XVII

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.) & ANR. 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. 33437/2022 - INTERVENTION/IMPLEADMENT
IA No. 18603/2022 - INTERVENTION/IMPLEADMENT
IA No. 164916/2023 - INTERVENTION/IMPLEADMENT
IA No. 1607/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 112645/2021 - STAY APPLICATION

Date : 19-09-2025 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. Paramjit Singh Patwalia, Sr. Adv.
Mr. Saurabh Jain, Adv.
Mr. Prayag Jain, Adv.
Mr. Rohit K. Singh, AOR

Mr. Siddharth Dave, Sr. Adv.
Mr. Abhindra Maheswari, Adv.
Mr. Athul Joseph, Adv.
Ms. Sanskriti Mishra, Adv.
Mr. Kumar Mihir, AOR

Mr Ravindra Kumar, Sr. Adv.
Mr Shivam Saksena, Adv.
Mr. Binay Kumar Das, AOR

Mr. Rudreshwar Singh, Sr. Adv.
Mr. Kaushik Poddar, AOR
Ms. Tanishka, Adv.

Mr. Chandra Prakash, AOR
Mr. Vishal Arun Mishra, AOR
Ms. Shriya Maini, AOR
Ms. Usha Nandini V., AOR

Mr. Chand Qureshi, AOR
Mr. Mohit Yadav, Adv.
Mr. Santanu Chatterjee, Adv.
Mr. Rochak Kharbanda, Adv.
Dr. O.p.kharbanda, Adv.
Mr. Rajat Kharbanda, Adv.
Dr. Raj Kumar Jain, Adv.
Mr. M.tajdar Siddiqui, Adv.
Mrs. Arpana Soni, Adv.

Mr. Vedant Singh, AOR
Mr. Rajesh Kumar Chaurasia, AOR

UPON hearing the counsels, the Court made the following
O R D E R

1. On 18 July 2025 following order was passed:

"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
6	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.

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."

2. Pursuant to the above order, on behalf of the First Respondent an affidavit has been filed detailing the progress made after the last order. As regards progress in respect of possession of flats/ apartments in towers A, B, C, and M following chart has been placed in the affidavit:

Sl No.	Particulars	A	B	C	M	Total
1.	Approached for Possession.	229	198	191	218	836
2.	Final Payment & documentation completed	211	185	175	196	767
3	Final Payment & documentation under process	18	13	16	22	69
4	Flats handed over	141	154	135	148	578
5	Flats ready for possession.	52	21	31	42	146
6	Internal-fit-out work in progress	18	10	9	6	43

3. Likewise in respect of possession *qua* towers D, E and F, following chart has been submitted:

Sl No.	Particulars	D	E	F	Total
1.	Approached for Possession.	172	173	170	515
2.	Final Payment & documentation completed	149	157	135	441
3	Final Payment & documentation under	23	16	35	74

	process				
4	Flats handed over	46	47	63	156
5	Flats ready for possession.	5	8	20	33
6	Internal-fit-out work in progress	98	102	52	252

4. As regards status of towers G and H, it is stated in the affidavit that application for occupancy certificate of the said towers was moved before GNIDA on 02.05.2025. However, GNIDA raised certain objections on 31.07.2025 in respect of documentation and fees. It is stated that efforts are on for obtaining occupancy certificate and it is expected to be available shortly.

5. The Counsel representing GNIDA stated that all objections except one have been cured. The objection that remains to be cured is in respect of proof of payment of labor cess.

6. In response, Mr. Patwalia submitted that according to his instructions, the amount payable towards labor cess was computed and informed to the First Respondent yesterday and, according to his instructions, payment in respect thereof has been made today.

7. If that is so, GNIDA shall issue occupancy certificate preferably within two weeks from the date all compliances are made.

8. In paragraph 13 of the affidavit, the First Respondent has made a statement that upon receiving the Occupancy Certificate for towers G and H, the offer of possession for internally fitted flats shall be issued forthwith to all the allottees of the said towers subject to completion of all formalities / documentation and payment of outstanding dues of the allotted units.

9. We requested Shri Patwalia to give an outer time limit for completion of towers G and H so that possession could be handed over to the allottees of those towers within a time frame.

10. Shri Patwalia submitted that since occupation certificates for towers G and H are likely to be received shortly, they should be in a position to hand over possession to the allottees within 60 days from the date of completion of all formalities including payment by the allottees.

11. We record the aforesaid undertaking and expect that the completion of those towers, followed by possession to the allottees, shall be carried out in the aforesaid terms.

12. On behalf of Home Buyers an affidavit has been filed stating that despite directions of this Court to deliver possession forthwith to such home buyers who have made complete payment, 72 home buyers are yet to be delivered

possession. A list of those Home Buyers has placed as "Annexure-B" to the affidavit.

13. On instructions, Mr Patwalia submits that out of those 72 Home Buyers, flats are ready for delivery of possession to 26 of them. In fact, one of them, namely, Ajay Singh, whose name stands mentioned at serial no. 6 in the list, has already been delivered possession. A list of home buyers who can be delivered possession forthwith has been supplied by Shri Patwalia, which is reproduced below:

Sl No.	Serial number as per list by appellant	Unit No.	Customer	Flat ready for Possession
1	1	A-0604	Mr. ABHINAV PARASHAR	YES
2	2	C-2301	MR SANDEEP SHARMA	YES
3	3	M-1208	MR NAMIT VASHISHT	YES
4	4	A-1507	MRS SAROJ TYAGI	YES
5	5	A-0307	MR VED PRAKASH	YES
6	7	A-2608	MRS REKHA GUPTA	YES
7	8	M-2508	MR ASHISH JAIN	YES
8	9	E-1204	MR HABIBUL REHMAN	YES
9	10	B-1108	MR PRADEEP NEGI	YES
10	12	A-2201	MR BHUPENDRA SINGH	YES
11	16	E-1903	MR SANJAY KUMAR PAL	YES
12	17	C-1903	MR SATISH PRAKASH MALIK	YES
13	18	F-0808	MRS KIRAN	YES
14	19	C-1407	MR MIHIR KUMAR SINGHA	YES
15	20	A-0202	MR ASHISH JAISWAL	YES
16	22	M-0401	MR SUDHANSHU SHEKHAR SINGH	YES
17	23	M-1606	MR RANDHIR SINGH	YES
18	25	F-2507	MRS REKHA BANGWAL	YES

19	30	D-1801	MR AMIT KUMAR	YES
20	31	A-0703	MR SUMIT SINGH	YES
21	36	A-0504	MS SWATEE GUPTA	YES
22	38	F-1808	MR KAMAL DEEP RANJAN	YES
23	40	E-0501	MR RISHI KAPIL	YES
24	46	M-2808	MR AMIT NIGAM	YES
25	58	A-2203	MR DEEPAK KASHYAP	YES
26	72	B-2306	MS PREETI VERMA	YES

14. Having regard to above, we deem it appropriate to direct the First Respondent to ensure delivery of possession to the aforesaid home buyers within 48 hours from the date they make a request to take possession. The learned Counsel for the Home Buyers states that aforesaid home buyers will make request to the First Respondent for delivery of possession within next one week.

15. As regards delivery of possession to the remaining home buyers in the list of 72 home buyers, Shri Patwalia submits that due to excessive rain this rainy season, the internal finishing work could not be executed but now the same has started and can be finished in next 60 days.

16. Having regard to the above, we deem it appropriate to require the First Respondent to complete the finishing work of those flats so that they can be delivered to the home buyers within next 60 days. As soon as the work on those flats is complete, the first respondent shall inform the home buyers so that they can take possession.

17. Besides above, the home buyers have flagged another grievance, which is regarding non-execution and registration of transfer deeds in terms of the letter of allotment. In response to the above, Shri Patwalia submits that the process of registration of transfer documents is on, and it is expected to be completed within 90 days from today.

18. An additional grievance has been raised on behalf of home buyers regarding non-completion of the club house and podium which was envisaged as part of the project. It is stated in the affidavit that Rs. 25,000/- has been collected from each of the home buyers but work on it is yet to commence.

19. Shri Patwalia submits that as far as completion of club house and podium facilities are concerned, that got delayed because the focus was on completion of the towers. As soon as work on the towers is finished, the work on club and podium would be completed in terms envisaged.

20. Having regard to the above, we deem it appropriate to require the first respondent to endeavor to complete the project in terms envisaged including the club and the podium facilities, which form part of the main project, within a fixed time frame.

21. List this matter on 09.12.2025. By which date a fresh

status report shall be filed.

22. At this stage, the learned Counsel representing the GNIDA submitted that First Respondent must also come out with a proposal to clear all dues including statutory dues payable to GNIDA within a timeframe.

23. In response, Shri Patwalia submits that by the next date, he will be able to submit a proposal in that regard.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)