

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL NO. 8093/2023
(Arising out of SLP(Civil) No. 8674/2023)

PANKAJ MAJITHIA ..APPELLANT(S)

VERSUS

HONEST SHELTERS PVT. LTD. & ORS. ..RESPONDENT(S)

WITH

MA 1612/2023 in C.A. No. 7050/2022

T.P.(C) No. 2050-2056/2023

O R D E R

C.A@ SLP(Civil) No. 8674/2023

Leave granted.

We have heard learned counsel for parties in order to appreciate as to what is that which troubles the parties arising from the impugned order of the High Court.

We may note that a relevant aspect is that on 26.06.2019, a sale certificate was issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act) in terms whereof while giving the description of the immovable property as collectively forming part of plots No. 5B and 6, 142 apartments in the Sky and Manor situated in

Worli Estate have been specifically excluded. Reasons for this is that qua these flats the work is assigned to respondent No. 1 and there are flat buyers who made payment in respect thereof. The orders of Real Estate Regulatory Authority (RERA) dated 20.03.2023 and 19.07.2023 required to complete the project and handover possession to the flat owners. The obligations of the flat buyers would be governed by their agreements. It is perceived that the impugned order would amount to revisiting this issue by the NCLT.

We are of the view that since the process by the NCLT under the Insolvency and Bankruptcy Code, 2016 (the "I&B Code, 2016) commences on 06.11.2019 and the sale certificate was issued on 26.06.2019, the rights of respondent No. 1 and the flat buyers cannot be affected by this process. Thus the NCLT is not to examine these aspects which apparently troubles the parties.

In view of our order aforesaid, we believe that there is clarity on this aspect and no further directions are required in that behalf and respondent No. 1 will proceed in pursuance to the RERA orders. The impugned order stands modified/clarified to that extent.

The Official Liquidator will take necessary

action to facilitate the working out of the aforesaid RERA Orders.

The appeal stands disposed of.

All applications stand disposed of in view of order passed above.

MA 1612/2023 in C.A. No. 7050/2022

Learned counsel for the applicant states on instructions, that he wishes not to press this application in view of the perception of the applicant as to what it can do otherwise.

The application is dismissed as withdrawn.

MA stands disposed of.

Pending applications stand disposed of.

T.P.(C) No. 2050-2056/2023

Learned counsel for the petitioner cannot dispute that really nothing survives in these petitions in view of the orders passed in civil appeal arising out of SLP(civil) No. 8674/2023 as the problem arising from multiplicity of proceedings has been sorted out vide that order.

The transfer petitions stand disposed of.

Pending applications stand disposed of.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI,
DECEMBER 06, 2023

ITEM NO.10-10.2

COURT NO.2

SECTION IX

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

Special Leave to Appeal (C) No(s). 8674/2023

(Arising out of impugned final judgment and order dated 06-04-2023 in IA(L) No. 36348/2022 passed by the High Court Of Judicature At Bombay)

PANKAJ MAJITHIA

Petitioner(s)

VERSUS

HONEST SHELTERS PVT. LTD. & ORS.

Respondent(s)

IA No. 137841/2023 - INTERVENTION APPLICATION
 IA No. 135650/2023 - INTERVENTION/IMPLEADMENT
 IA No. 135460/2023 - INTERVENTION/IMPLEADMENT
 IA No. 135449/2023 - INTERVENTION/IMPLEADMENT
 IA No. 134043/2023 - INTERVENTION/IMPLEADMENT
 IA No. 163359/2023 - INTERVENTION/IMPLEADMENT
 IA No. 137795/2023 - INTERVENTION/IMPLEADMENT)

WITH

MA 1612/2023 in C.A. No. 7050/2022 (XVII)
 IA No. 92750/2023 - CLARIFICATION/DIRECTION)

T.P.(C) No. 2050-2056/2023 (IX)
 IA No. 159640/2023 - EX-PARTE AD-INTERIM RELIEF)
 IA NO. 205122/2023-INTERVENTION
 IA NO. 207529/2023-INTERVENTION

Date : 06-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Mahesh Agarwal, Adv.
 Mr. Ankur Saigal, Adv.
 Mr. Sunil Mittal, Adv.
 Mr. Arshit Anand, Adv.
 Ms. Anu Tiwari, Adv.
 Ms. Geetika Sharma, Adv.
 Mr. Sudhir Kumar, Adv.
 Mr. Amit Kumar, Adv.
 Ms. Chitra Agarwal, Adv.

Ms. Manavi Agarwal, Adv.
 Ms. Divya Singh, Adv.
 Mr. E.C. Agrawala, AOR

Mr. Sidhant Kumar, Adv.
 Ms. Anushka Shah, Adv.
 Ms. Manyaa Chandok, Adv.
 Ms. Ishita Deswal, Adv.
 Mr. Devanshu Yadav, Adv.
 Ms. Devanshu Yadav, Adv.
 Mr. Deepak Singh, Adv.
 Mr. Vishwa Pal Singh, AOR

For Respondent(s) Mr. Samir Malik, AOR

Mr. Kumar Kartikay, Adv.
 Ms. Neelu Shamra, Adv.
 Mr. Deepak Goel, AOR
 Ms. Neelu Sharma, Adv.
 Mr. Ajay Kumar Singh, Adv.
 Mr. Kartik Hooda, Adv.
 Ms. Rubi Kumari, Adv.
 Mr. Sumit Saddi, Adv.
 Ms. Urvashi Sharma, Adv.
 Ms. Alka Goyal, Adv.
 Ms. Harshita Maheshwari, Adv.
 Mr. Mukesh Kumar Verma, Adv.
 Mr. Vuzmal Nehru, Adv.
 Mr. Chaman Rana, Adv.
 Mr. Jitendra Bharti, Adv.
 Ms. Purvi Goyal, Adv.
 Mr. Mayank Sharma, Adv.

Mr. Vikram Nankani, Sr. Adv.
 Mr. Pranjit Bhattacharya, Adv.
 Mr. Vaibhav Niti, AOR
 Mr. Rubin Vakil, Adv.
 Ms. Sonam Mhatre, Adv.
 Ms. Saloni Sulakhe, Adv.
 Ms. Raj Sarit Khare, Adv.

Mr. Aman Raj Gandhi, AOR
 Ms. Shoma Maitra Fernandis, Adv.
 Mr. Parthasarathy Bose, Adv.
 Ms. Panchi Agarwal, Adv.

Mr. Kumar Kartikay, Adv.
 Ms. Neelu Shamra, Adv.
 Mr. Deepak Goel, AOR
 Ms. Neelu Sharma, Adv.

Mr. Ajay Kumar Singh, Adv.
 Mr. Kartik Hooda, Adv.
 Ms. Rubi Kumari, Adv.
 Mr. Sumit Saddi, Adv.
 Ms. Urvashi Sharma, Adv.
 Ms. Alka Goyal, Adv.
 Ms. Harshita Maheshwari, Adv.
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 Mr. Vuzmal Nehru, Adv.
 Mr. Chaman Rana, Adv.
 Mr. Jitendra Bharti, Adv.
 Ms. Purvi Goyal, Adv.
 Mr. Mayank Sharma, Adv.

Mr. Samir Malik, Adv.
 Mr. Anand Singh Sengar, Adv.
 Mr. Varun Kalra, Adv.
 Mr. Mahip Singh Sikarwar, Adv.
 Mr. Nikunj Mahajan, Adv.
 Ms. Farha Malik, Adv.
 for M/S. D.S.K. Legal, AOR

Ms. Soumya Priyadarshinee, AOR

Mr. Rakesh Dwivedi, Sr. Adv.
 Mr. Eklavya Dwivedi, Adv.
 Mr. Devansh Srivastava, AOR

Mr. Mohit D. Ram, AOR
 Ms. Monisha Handa, Adv.
 Mr. Rajul Shrivastav, Adv.
 Mr. Anubhav Sharma, Adv.

Mr. Animesh Kumar, Adv.
 Mr. Nishant Kumar, AOR
 Ms. Aparajita, Adv.
 Ms. Harshita Sinha, Adv.
 Mr. Ayush Kumar, Adv.

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

C.A@ SLP(Civil) No. 8674/2023

Leave granted.

The appeal stands disposed of in terms of the
 signed order.

All applications stand disposed of in view of the order passed in civil appeal.

MA 1612/2023 in C.A. No. 7050/2022

The application is dismissed as withdrawn.

MA stands disposed of.

Pending applications stand disposed of.

T.P.(C) No. 2050-2056/2023

The Transfer Petitions stand disposed of.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]