

IN THE SUPREME COURT OF INDIA**INHERENT JURISDICTION****Contempt Petition (Civil) No 151 of 2022****In****Civil Appeal No 5041 of 2021****Chandrani Banerjee****... Petitioner****Versus****R.K. Arora & Ors****... Respondents****WITH****Contempt Petition (Civil) No 152 of 2022 In Civil Appeal No 5041 of 2021****Contempt Petition (Civil) No 153 of 2022 In Civil Appeal No 5041 of 2021****Contempt Petition (Civil) No 154 of 2022 In Civil Appeal No 5041 of 2021****Contempt Petition (Civil) No 288 of 2022 In Civil Appeal No 5041 of 2021****MISCELLANEOUS APPLICATION NO 592 OF 2022****AND****MISCELLANEOUS APPLICATION DIARY NO 6706 OF 2022****O R D E R**

- 1 Mr Gaurav Agrawal, Amicus Curiae, has placed a note for the hearing before this Court which indicates that a sum of Rs 1,26,29,968 has been disbursed to 15 home buyers. After disbursement, the following amount remains to be paid to the 15 home buyers :

Sr. No	Name of applicant	Total Amount due	Paid in October, 2023	Balance amount due	TDS Amount to be deducted	Net amount due (After TDS)
1	Chandrani Banerjee	Rs.89,33,898	1,600,000	1,623,313	488,443	1,134,870

2	Manoj Chopra	Rs.1,10,87,759	2,000,000	2,000,417	648,822	1,351,595
3	Amit Kumar Gupta	Rs.81,71,124	1,460,000	1,488,105	415,522	1,072,583
4	Adarsh Kumar Agarwal	Rs.83,39,610	1,500,000	1,508,897	432,078	1,076,819
5	Anuj Goyal	Rs.18,25,551	315,000	343,652	314,070	29,582
6	Sumit Goel	Rs.23,60,934	425,000	426,819	289,720	137,099
7	Priya Goel	Rs.23,60,934	425,000	426,819	289,720	137,099
8	Mukta Jain	Rs.17,20,855	300,000	320,880	301,025	19,855
9	Subhash Chand Jain	Rs.23,61,800	415,000	437,131	290,596	146,535
10	Abhishek Jain	Rs.24,44,411	430,000	451,935	304,213	147,722
11	Abhishek Jain	Rs.24,42,499	430,000	451,242	302,279	148,963
12	Herbinder Singh	Rs.27,45,010	500,000	490,388	328,479	161,909
13	Vineet Kapoor	Rs.23,60,271	415,000	436,579	289,049	147,530
14	Sanjeev Sharma	Rs.79,44,308	1,474,968	1,461,538	415,075	1,046,463
15	Ispita Nayak	Rs.53,84,981	940,000	1,002,877	238,728	764,149
	Total	Rs.7,04,83,945	12,629,968	12,870,592	5,347,819	7,522,773

- 2 The refund of Rs 75,22,773 comprises of (i) the principal sum due; and (ii) interest.
- 3 Interest payments are subject to TDS under the Income Tax Act 1961. Since thus far, the payments were released without deduction of TDS, the amount of TDS shall have to be deducted and deposited by Supertech Limited with the income tax authorities while disbursing the balance due to the applicants.
- 4 We accordingly direct that the IRP of Supertech Limited shall deposit an amount of Rs 75,22,773 before the Registry of this Court by 15 January 2024. The said amount shall be paid from the 30% designated RERA accounts of all the projects of the corporate debtor, Supertech Limited, which is kept available with the company for meeting administrative and other expenses.
- 5 All lenders shall fully cooperate with the IRP in effecting deposit of the above amount with the Registry of this Court.

- 6 The amount upon deposit shall be disbursed to the 15 home buyers as stated in the last column of the tabulated statement which has been placed on the record by the Amicus Curiae.
- 7 In view of the above directions, the following proceedings shall stand settled and disposed of :

Ite m No.	Case no.	Cause title
15	CP (C) No.151 of 2022	Chandrani Banerjee v. RK Arora
15.13	Diary No.6706/2022	Supertech Ltd v. Emrerald Court Owner Resident Welfare Association
15.14	CP(C) No.153 of 2022	Amit Kumar Gupta & Anr. v. RK Arora
15.15	CP (C) No.152 of 2022	Manoj Chopra & Anr. v. Mohit Arora
15.16	CP (C) No.154 of 2022	Adarsh Kumar Agrawal v. RK Arora
15.17	MA 592 of 2022	Supertech Ltd. v. Emerald Court Owner Resident Welfare Association
15.18	CP (C) No.288 of 2022	Anuj Goyal & Ors. v. Hitesh Goel

- 8 The Amicus Curiae has indicated in paragraph 4 of his report that certain other claims in the Contempt Petitions/Applications have been verified and certain other new Contempt Petitions have been filed, as stated in paragraph 5.
- 9 Presently, we defer the hearing of all the other claims and Contempt Petitions by a period of eight weeks since an effort is being made in the National Company Law Appellate Tribunal pursuant to its order dated 19 October 2023 to explore the possibility of finding an investor in respect of the projects of the corporate debtor. The proceedings shall be taken up on the next date when the Court may be apprised by the Amicus Curiae of the progress that has been made in this regard.

- 10 The TDS amount shall, upon being deducted, be deposited by Supertech Limited with the income tax authorities within a period of eight weeks and a consolidated statement indicating that it has been done shall be filed with the Registry of this Court with a copy to the Amicus Curiae. TDS shall also be deducted from the 30% RERA account.
- 11 The interim order which was passed by this Court on 17 July 2023 shall continue to remain in operation and RFL shall not make any claim in respect of the EMIs, since an attempt is being made to resolve the dispute.
- 12 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
November 03, 2023

GKA

ITEM NO.15

COURT NO.1

SECTION III-A

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

CONMT.PET.(C) No. 151/2022 in C.A. No. 5041/2021

CHANDRANI BANERJEE

Petitioner(s)

VERSUS

R.K. ARORA & ORS.

Respondent(s)

(IA No. 202173/2023 - INTERVENTION APPLICATION)

WITH

Diary No(s). 4120/2023 (III-A)

(IA No. 20233/2023 - CONDONATION OF DELAY IN FILING IA
No.20234/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)CONMT.PET.(C) No. 623/2023 (III-A)
(FOR ADMISSION)CONMT.PET.(C) No. 624/2023 (III-A)
(FOR ADMISSION)

CONMT.PET.(C) No. 753/2023 in C.A. No. 5041/2021 (III-A)

Diary No(s). 8749/2023 (III-A)

(IA No. 44814/2023 - CONDONATION OF DELAY IN FILING IA
No.44812/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)CONMT.PET.(C) No. 754/2023 (III-A)
(FOR FOR PERMISSION TO FILE APPLICATION FOR DIRECTION ON IA
46716/2023 FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 46738/2023)

CONMT.PET.(C) No. 847/2023 in C.A. No. 5041/2021 (III-A)

CONMT.PET.(C) No. 955/2023 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)CONMT.PET.(C) No. 956/2023 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)CONMT.PET.(C) No. 1011/2023 in C.A. No. 5041/2021 (III-A)
(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
100945/2023 FOR APPLICATION FOR PERMISSION ON IA 100954/2023)

CONMT.PET.(C) No. 1012/2023 in C.A. No. 5041/2021 (III-A)
(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 100966/2023 FOR APPLICATION FOR PERMISSION ON IA 100974/2023)

CONMT.PET.(C) No. 1061/2023 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)

Diary No(s). 6706/2022 (III-A)
(FOR INTERVENTION APPLICATION ON IA 31087/2022 FOR CLARIFICATION/
DIRECTION ON IA 31088/2022 FOR INTERVENTION APPLICATION ON IA
31090/2022 FOR CLARIFICATION/DIRECTION ON IA 31091/2022 FOR
INTERVENTION APPLICATION ON IA 38349/2022 FOR INTERVENTION
APPLICATION ON IA 38465/2022))

CONMT.PET.(C) No. 153/2022 in C.A. No. 5042/2021 (III-A)
(FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 38881/2022)

CONMT.PET.(C) No. 152/2022 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)

CONMT.PET.(C) No. 154/2022 in C.A. No. 5042/2021 (III-A)
(FOR ADMISSION)

MA 592/2022 in C.A. No. 5041/2021 (III-A)
(FOR CLARIFICATION/DIRECTION ON IA 50012/2022 FOR PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 97448/2022)

CONMT.PET.(C) No. 288/2022 in C.A. No. 5041/2021 (III-A)

MA 1847/2022 in C.A. No. 5041/2021 (III-A)
(FOR FOR APPLICATION FOR PERMISSION ON IA 149701/2022)

CONMT.PET.(C) No. 737/2022 in C.A. No. 5041/2021 (III-A)
(FOR ADMISSION)

Diary No(s). 33747/2023 (III-A)
(FOR EXEMPTION FROM FILING O.T. ON IA 164074/2023)

Diary No(s). 28143/2023 (III-A)
(FOR APPLICATION FOR PERMISSION ON IA 221274/2023 IA No.221274/2023
- APPLICATION FOR PERMISSION)

Date : 03-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Gaurav Agrawal, AOR

 Mrs. Shubhangi Tuli, AOR

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 Mr. Shshank Narayan, Adv.

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 Mr. Vikas Sharma, Adv.

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For Respondent(s)

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Mr. Rajeev Kumar Dubey, Adv.
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Mr. Kamlendra Mishra, AOR

Mr. Tarun Gupta, AOR

Mr. V M Kannan, AOR
Ms. Harimohana N., Adv.
Mr. N. Subramanian, Adv.

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

Contempt Petition (Civil) No 151, 152, 153, 154 and 288 of 2022 in Civil Appeal No 5041 of 2021, Miscellaneous Application Nos. 592 of 2022 and Miscellaneous Application Diary No 6706 of 2022

- 1 The Contempt Petitions and the Miscellaneous Applications stand settled and disposed of in terms of the signed order.
- 2 Pending applications, including the applications of intervention/impleadment stand disposed of.
- 3 List the pending Petitions and Applications after eight weeks.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)