

ITEM NO.76

COURT NO.7

SECTION XVII-A

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.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD. & ORS.

Respondent(s)

117154/2019, 48556/2020, 64112/2020, 65400/2020, 67009/2020,
84255/2020, 90523/2020, 90527/2020, 97388/2020, 6512/2021,
17598/2021, 18456/2021, 47795/2021, 50683/2021, 50704/2021,
50706/2021, 50708/2021, 71283/2021, 71285/2021, 81660/2021,
81663/2021, 95904/2021, 95906/2021, 116163/2021, 9494/2022,
112988/2022, 28098/2023, 50055/2023, 52610/2023, 52822/2023,
73548/2023, 160635/2023, 192118/2023, 192119/2023, 195977/2023,
205642/2023, 210624/2023, 210625/2023, 219762/2023, 77541/2024,
77542/2024, 158534/2024, 158535/2024, 198813/2024, 198814/2024,
241599/2024, 271490/2024, 286435/2024, 784/2025, 8716/2025,
9000/2025, 9001/2025, 9002/2025, 34501/2025, 35061/2025,
35064/2025, 183897/2025, 199323/2025, 199324/2025, 229281/2025,
229282/2025, 229302/2025, 229632/2025, 229633/2025, 229965/2025,
230015/2025, 231103/2025, 231304/2025, 236988/2025, 251540/2025,
289036/2025, 314001/2025, 314002/2025, 330110/2025, 4652/2026,
11146/2026, 62950/2026, 88690/2020, 47525/2021, 57580/21,
57581/21, 73570/23, 192118/23,
192119/23, 198813/24, 198814/24, 77858/24,
77859/24, 229159/24, 161365/22, 160635/23, 183577/25, 230042/25, 159648/1
9, 28098/23, 73570/23, 8890/20, 47525/21, 31501/25, 163948/23, 164059/23, 1
8456/21, 68837/2025, IA NO. 68843/2025, 104665/26, 104666/26,
100095/2026, 163600/2026
IA No. 116938/2025 - APPLICATION FOR PERMISSION
IA No. 71283/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 286435/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 229281/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 51675/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 104666/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 9494/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 219762/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 45453/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 6512/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 50706/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 116163/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 73548/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 210625/2023 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 199323/2025 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 9000/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 120616/2025 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 4652/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 39936/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 28098/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 192119/2023 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 1886/2026 - APPROPRIATE ORDERS/DIRECTIONS
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IA No. 51676/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 231304/2025 - CLARIFICATION/DIRECTION
IA No. 17598/2021 - CLARIFICATION/DIRECTION
IA No. 100111/2023 - CLARIFICATION/DIRECTION
IA No. 48556/2020 - CLARIFICATION/DIRECTION
IA No. 294547/2025 - CLARIFICATION/DIRECTION
IA No. 90523/2020 - CLARIFICATION/DIRECTION
IA No. 112988/2022 - DOCUMENT TAKEN ON RECORD
IA No. 50708/2021 - EXEMPTION FROM FILING O.T.
IA No. 9002/2025 - EXEMPTION FROM FILING O.T.
IA No. 229633/2025 - EXEMPTION FROM FILING O.T.
IA No. 158535/2024 - EXEMPTION FROM FILING O.T.

IA No. 71285/2021 - EXEMPTION FROM FILING O.T.
IA No. 18456/2021 - INTERVENTION APPLICATION
IA No. 160635/2023 - INTERVENTION APPLICATION
IA No. 231103/2025 - INTERVENTION APPLICATION
IA No. 104665/2026 - INTERVENTION APPLICATION
IA No. 56854/2026 - INTERVENTION APPLICATION
IA No. 84255/2020 - INTERVENTION APPLICATION
IA No. 251540/2025 - INTERVENTION APPLICATION
IA No. 39884/2021 - INTERVENTION APPLICATION
IA No. 77541/2024 - INTERVENTION/IMPLEADMENT
IA No. 35061/2025 - INTERVENTION/IMPLEADMENT
IA No. 330110/2025 - INTERVENTION/IMPLEADMENT
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IA No. 229302/2025 - INTERVENTION/IMPLEADMENT
IA No. 51678/2026 - INTERVENTION/IMPLEADMENT
IA No. 192118/2023 - INTERVENTION/IMPLEADMENT
IA No. 229282/2025 - INTERVENTION/IMPLEADMENT
IA No. 81/2026 - INTERVENTION/IMPLEADMENT
IA No. 64112/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 34501/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 90527/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 11531/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 210624/2023 - RECALLING THE COURTS ORDER
IA No. 271490/2024 - RECOVERY OF THE AMOUNT
IA No. 65400/2020 - WITHDRAWAL OF CASE / APPLICATION
IA No. 67009/2020 - WITHDRAWAL OF CASE / APPLICATION

WITH

C.A. No. 10851/2016 (XVII-A)

IA NO. 68837 AND 68843 OF 2025 TO BE LISTED
 IA No. 68843/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 68837/2025 - INTERVENTION APPLICATION
 IA No. 168465/2018 - INTERVENTION/IMPLEADMENT
 SLP(Crl) No. 5978-5979/2017 (II-D)
 FOR
 FOR CLARIFICATION/DIRECTION ON IA 13047/2018
 FOR CLARIFICATION/DIRECTION ON IA 43789/2018
 FOR CLARIFICATION/DIRECTION ON IA 51299/2018
 FOR CLARIFICATION/DIRECTION ON IA 135964/2018
 FOR CLARIFICATION/DIRECTION ON IA 155735/2018
 FOR impleading party ON IA 155739/2018
 FOR INTERVENTION/IMPLEADMENT ON IA 155739/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 1609/2019
 FOR CLARIFICATION/DIRECTION ON IA 95023/2019
 FOR CLARIFICATION/DIRECTION ON IA 65076/2020
 FOR INTERVENTION APPLICATION ON IA 69132/2020
 FOR CLARIFICATION/DIRECTION ON IA 69135/2020
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 183557/2025
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 230042/2025
 FOR impleading party ON IA 7678/2026
 FOR INTERVENTION/IMPLEADMENT ON IA 7678/2026
 FOR INTERVENTION APPLICATION ON IA 16916/2026
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 16933/2026
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 17446/2026
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 163600/2026
 IA No. 183557/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 163600/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 17446/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 16933/2026 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 1609/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 230042/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 135964/2018 - CLARIFICATION/DIRECTION
 IA No. 51299/2018 - CLARIFICATION/DIRECTION
 IA No. 69135/2020 - CLARIFICATION/DIRECTION
 IA No. 43789/2018 - CLARIFICATION/DIRECTION
 IA No. 13047/2018 - CLARIFICATION/DIRECTION
 IA No. 65076/2020 - CLARIFICATION/DIRECTION
 IA No. 95023/2019 - CLARIFICATION/DIRECTION
 IA No. 155735/2018 - CLARIFICATION/DIRECTION
 IA No. 69132/2020 - INTERVENTION APPLICATION
 IA No. 16916/2026 - INTERVENTION APPLICATION
 IA No. 155739/2018 - INTERVENTION/IMPLEADMENT
 IA No. 7678/2026 - INTERVENTION/IMPLEADMENT

Date : 27-05-2026 These matters were called on for hearing today.

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UPON hearing the counsel the Court made the following

O R D E R

1. On 29.04.2026, we made an order permitting the learned counsel appearing for the parties to provide a two-page note offering their suggestions with regard an effective and expeditious way ahead for the issues that have arisen in this matter. The relevant portion of the order is as follows:-

"4. In all 7 Banks /Financial Institutions (FIS) and 3 Asset Reconstruction Company (ARC) are before us and all these Banks and ARCs have some stakes involved in the present litigation.

5. The details are as under:

- (i) JM Financial ARC*
- (ii) Suraksha ARC*
- (iii) Edelweiss ARC*
- (iv) IDBI Bank*
- (v) Canara Bank*
- (vi) LIC*
- (vii) SREI Equipment Finance Ltd.*
- (viii) IL&FS*
- (ix) HDFC Ltd. and HDFC Bank*
- (x) Bank of Maharashtra*
- (xi) SICOM*

6. Total outstanding amount in respect of all the entities, referred to above, is to the tune of Rs 14,129.84 Crore.

7. This figure is as per the books of accounts of Unitech. Out of Rs 14,129.84 Crore, an amount of Rs.10,685.91 Crore is on account of interest and penal interest. These figures have been provided to us by Mr. N. Venkataraman, the learned Additional Solicitor General appearing for the Board. The total amount of loan said to have been disbursed comes to Rs.5,117.15 Crore against which according to Mr. Venkataraman, Unitech has already paid Rs 3729.38 Crore of which Rs.

2,056.16 Crore has been adjusted against interest.

8. The claims submitted by the Banks/FIS and ARCs are for an amount of Rs.15,004.95 Crore. According to Mr. Venkataraman. the difference to the amount of Rs.875.11 Crore is to be reconciled by the lenders with Unitech.

9. Mr. Venkataraman today made himself very clear that unless and until the Board is not permitted to monetize the unsold stocks of the Project including non-Project, it is going to be very difficult to proceed further.

10. As against what was submitted by Mr. Venkataraman, all the learned Senior counsel appearing for the respective parties have some suggestion or the other to offer for effective and expeditious way ahead.

11. We request all the learned counsel appearing for the parties to provide us with a two page note offering their suggestions in this regard.

12. All the learned Counsel are requested to hand-over their respective notes to Ms. Anubha Agrawal, who in turn, shall compile it and provide us with one composite paper book.

13. Once we get a fair idea as regards the suggestions, we shall proceed to pass some orders.

14. We request all the learned counsel to provide us with their suggestions keeping in mind the best economic model possible to resolve this entire controversy."

2. The issue for which this Court and stakeholders are looking for an amiable solution arises under the following circumstances:-

a) There is a government appointed Board which is managing the affairs of Unitech Limited;

- b) Unitech Limited has a large number of homebuyers who are awaiting delivery of flats/plots for which they have made payments either partly or in full;
- c) Unitech Company has vast extent of lands both project and non-project lands;
- d)The lands are encumbered in part and some we are told are unencumbered;
- e) Most importantly, Unitech Company has taken large exposures from banks/financial institutions/asset reconstruction companies and financial corporations;
- f) While the homebuyers legitimately clamour for the property for which they have paid for, the banks most of whom are holding security over the assets of Unitech want repayment of their dues;
- g) It is in this scenario that to find a solution and a viable way forward, we invited suggestions. The suggestions have been compiled by Ms. Anubha Agarwal, learned counsel for the government appointed Board and has been presented to us in two volumes. We annex the two volumes as Annexure A-1 and Annexure A-2 to this order.

3. Manifold suggestions have been made. Principally, the suggestions are in the arena of

- i) carrying out of independent valuations of encumbered and unencumbered project and non-project lands;
- ii) the process for monetising the immovable assets through a transparent process and
- iii) deploying the proceeds in a manner that will protect the interest of the homebuyers as well as the financial institutions and the interest of the Company.

4. In short, the search is for a solution which will care for the interests of all the stakeholders in the process.

5. While the Board and the financial institutions have given suggestions, we are of the opinion that an independent agency should evaluate the suggestions keeping the objective set out by us in this order.

6. The agency that we appoint is free to examine the suggestions and is also at liberty to come out with new suggestions to achieve the objective. For this purpose, we authorise the agency to draw up its own terms of reference in as broad a manner as possible with the only condition being that ultimate report they furnish to us should address the objective that is set out in this order.

7. We appoint Price Waterhouse Coopers [PwC] to undertake this task. The Secretary General of this Court or a Registrar nominated by him shall get in touch with the New Delhi Regional Head of PwC and after having a discussion ascertain the financial

terms payable to the agency. The Minutes of the discussion shall be furnished to us.

8. The following 11 entities will jointly incur the expenses payable for the agency appointed by us, in the proportion that we will by a separate order determine.

- (i) JM Financial ARC
- (ii) Suraksha ARC
- (iii) Edelweiss ARC
- (iv) IDBI Bank
- (v) Canara Bank
- (vi) LIC
- (vii) SREI Equipment Finance Ltd.
- (viii) IL&FS
- (ix) HDFC Ltd. and HDFC Bank
- (x) Bank of Maharashtra
- (xi) SICOM

The said agencies have already undertaken before us that they will incur the expenditure payable to the agency.

9. Post the matter for further directions on 30.09.2026 at 3.00 P.M.

10. Let a copy of the order be sent to the Secretary General, Supreme Court who shall straightaway proceed with the task entrusted to him.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)