

ITEM NO.44

COURT NO.5

SECTION IV-C

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

Petition for Special Leave to Appeal (C) No.31368/2026

[Arising out of impugned final judgment and order dated 02-07-2026 in WA No. 455/2026 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

RAHUL SETHI

Petitioner(s)

VERSUS

M/S SVS BUILDCON PVT. LTD. & ORS.

Respondent(s)

FOR ADMISSION

IA No. 265912/2026 - EXEMPTION FROM FILING O.T.

IA No. 265913/2026 - INTERVENTION/IMPLEADMENT

Date : 18-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Siddharth R.gupta, Adv.
Mr. Mrigank Prabhakar, AOR
Mr. Shantanu Sharma, Adv.
Mr. Uddaish Palya, Adv.
Ms. Vishala Dwivedi, Adv.
Ms. Yerradoddi Charvi Reddy, Adv.

For Respondent(s) : Mr. Vaibhav Gaggar, Sr. Adv.
Mr. Siddharth Batra, AOR
Mr. Satish Rai, Adv.
Ms. Shivani Chawla, Adv.
Mr. Cinmay Dubey, Adv.
Mr. Mehul Gulati, Adv.

Mr. Akshit Lunial, Adv.
Mr. Bhavya Bachani, Adv.

Ms. Anubha Agrawal, Adv.

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

1. The petitioner is concerned with an agreement of purchase, he entered into with the first respondent, a builder who is also a joint venture company, proposing to build a residential project called 'Unihomes' at Bhopal. Later, the petitioner company was taken over by one 'Unitech Limited' against which many complaints were filed based on which the Economic Offences Wing of the State had registered an FIR against the Managing Director and other Directors of the Company. In the SLP filed for bail before this Court, this Court had endeavoured to resolve the entire issue, especially taking into consideration the plight of the home buyers. This Court had also issued a moratorium and is in the process of implementing a resolution framework of the entire Unitech group including all its affiliates, subsidiaries etc.
2. The petitioner, however, approached the Madhya Pradesh Real Estate Regulatory Authority (MPRERA) at Bhopal, who directed the refund of the purchase money paid of Rs.19,99,723/- along with the interest @10%. A recovery

certificate issued was not executed and hence the petitioner filed a writ petition seeking enforcement of the recovery certificate but without making the first respondent a party to the writ petition. The writ petition was allowed and the first respondent, coming to know of it, filed a review, which was rejected. Specifically looking at the plight of the ordinary citizens as pitted against big companies who default in their obligations after taking money from individuals, the writ court directed peremptory recovery. The Division Bench, though in principle agreed with the Single Bench, on the protection of ordinary citizens, frowned upon the manner in which the proceedings were taken; especially without the builder, against whom recovery certificate was issued, in the party array and also suppressing the resolution process going on before this Court. The Division Bench reversed the order of the learned Single Judge and directed fresh consideration of the writ petition.

3. When the matter came up for hearing before us, we queried the first respondent as to how the matter can be resolved. Today learned Counsel appearing for the first respondent informed us that 72 flats will be ready within three months and offered to give one flat with the very same specifications as the petitioner intended to purchase,

within a period of three months. However, learned Counsel for the petitioner, on instructions, submits that his client is no more interested in the flat and in any event the project is not near completion as submitted by the first respondent's Counsel.

4. In the circumstances, the only option available with us is to reject the petition and relegate the petitioner to the learned Single Judge before the High Court to proceed further with the matter. However, as a measure of resolution of the dispute once and for all, in the peculiar circumstances of the case, we direct the respondent to pay Rs.40,00,000/- as against Rs.19,99,723/- paid by the petitioner. Learned Counsel for the first respondent agreed, but only on the condition that this should not be treated as a precedent, especially since otherwise there would be a spate of petitions asking the same relief, which would in fact interfere with the resolution process attempted by this Court.

5. The learned Counsel for the respondent vehemently pointed out that the total dues would be a little more than Rs.48 lakhs as computed, on the order of the RERA. We were not inclined to accede to the said prayer especially since this is not a recovery proceeding. We are attempting a resolution and as we noticed, the only option for us in the facts and

circumstances of the case, other than a resolution of the dispute as we proposed, is to dismiss the SLP and relegate the petitioner to the learned Single Judge before the High Court.

6. We also take note of the fact that there was clear suppression before the High Court as found by the Division Bench and more importantly, the first respondent was not impleaded in the proceedings taken originally before the High Court.

7. Considering the facts and circumstances, we are of the opinion that the matter can be resolved by directing the respondent to pay an amount of Rs.40 lakhs within a period of four weeks to the petitioner and the petitioner's claims would be settled and the RERA would record satisfaction of its order. We make it clear that the above order is passed only in the facts and circumstances of the case to bring a resolution to the dispute and would not be treated as a precedent.

8. The Special Leave Petition is allowed.

9. Pending application(s) including impleadment, if any, shall stand rejected.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)