

Ref: JAL:SEC:2018

22<sup>nd</sup> March, 2018

**BSE Limited**

25th Floor, New Trading Ring,  
Rotunda Building,  
P J Towers, Dalal Street, Fort,  
MUMBAI 400 001

**SCRIP CODE: 532532**

The Manager

Listing Department

**National Stock Exchange of India Ltd**

"Exchange Plaza", C-1, Block G,  
Bandra-Kurla Complex,  
Bandra (E), Mumbai - 400 051

**NAME OF SCRIP: JPASSOCIAT**

**Sub: Clarification sought on media report**

Dear Sirs,

Please refer to your e-mail dated 21<sup>st</sup> March, 2018, seeking our clarification to the Media Report titled "**Supreme Court asks Jaiprakash Associates to deposit Rs. 200 crore by 10 May**".

In this connection, we enclose a copy of the Order dated 21<sup>st</sup> March, 2018 of the Hon'ble Supreme Court of India (as downloaded from the website of Hon'ble Court), which is self-explanatory.

Thanking you,

Yours faithfully,

For JAIPRAKASH ASSOCIATES LIMITED



(M.M. Sibbal)

Jt. President & Company Secretary

Encl: As above

Copy to:

**Singapore Exchange Securities Trading Limited**

11 North Buona Vista Drive #06-07

The Metropolis Tower 2

Singapore 138589

**Attention: Issuer Services**

Fax No.: +65 6535 6994

**The Bank of New York Mellon**

One Canada Square

London E14 5AL

United Kingdom

**Attention: Global Trust Services**

Fax No.: +44 207 964 6369

**The Bank of New York Mellon**

One Temasek Avenue

#03-01 Millennia Tower

Singapore 039192

**Attention: Global Corporate Trust**

Fax No.: + 65 6883 0338

**The Bank of New York Mellon**

101 Barclay Street

21<sup>st</sup> Floor West

New York, NY 10286

United States of America

**Attention: Global Corporate Trust**

Fax No.: +1 212 815 5802/5803

ITEM NO.1

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).744/2017

CHITRA SHARMA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.30118/2018-impleading party and IA No.30122/2018-  
CLARIFICATION/DIRECTION and IA No.30125/2018-impleading party and  
IA No.30133/2018-impleading party and IA No.30140/2018-impleading  
party and IA No.32031/2018-impleading party and IA No.32977/2018-  
INTERVENTION APPLICATION and IA No.32978/2018-  
CLARIFICATION/DIRECTION and IA No.33431/2018-STAY APPLICATION)

WITH

SLP(C) No. 24001/2017 (XI)

(and IA No.17043/2018-CLARIFICATION/DIRECTION)

W.P.(C) No. 782/2017 (X)

W.P.(C) No. 803/2017 (X)

W.P.(C) No. 860/2017 (X)

(FOR ADMISSION)

W.P.(C) No. 783/2017 (X)

W.P.(C) No. 805/2017 (X)

(FOR STAY APPLICATION ON IA 84812/2017)

SLP(C) No. 24002/2017 (XI)

(FOR PERMISSION TO FILE SLP/TP ON IA 84838/2017 FOR PERMISSION TO  
FILE ADDITIONAL DOCUMENTS ON IA 84839/2017 FOR

INTERVENTION/IMPLEADMENT ON IA 84840/2017 and IA No.88057/2017-

INTERVENTION/IMPLEADMENT and IA No.88410/2017-

CLARIFICATION/DIRECTION and IA No.88689/2017-INTERVENTION

APPLICATION and IA No.88696/2017-MODIFICATION and IA No.89329/2017-

INTERVENTION/IMPLEADMENT and IA No.115034/2017-INTERVENTION

APPLICATION and IA No.119047/2017-impleading party)

W.P.(C) No. 950/2017 (X)

SLP(C) No. 36396/2017 (XI)

(FOR ADMISSION and I.R. and IA No.98200/2017-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.98186/2017-APPLICATION FOR  
IMPLEADMENT OF RESPONDENTS and IA No.98181/2017-PERMISSION TO FILE  
SLP/TP and IA No.98204/2017-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS and IA No.137592/2017-CLARIFICATION/DIRECTION)

Diary No(s). 33267/2017 (XI)

(FOR ADMISSION and I.R. and IA No.129410/2017-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.131630/2017-

INTERVENTION/IMPLEADMENT and IA No.129408/2017-PERMISSION TO FILE

SLP/TP and IA No.129406/2017-CONDONATION OF DELAY IN REILING and  
IA No.129413/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 21-03-2018 This petition was called on for hearing today.

Validity unknown  
Digitally signed by  
SUBHAKSHI CHAKRABORTY  
Date: 2018.03.21  
18:21:26 +05'30'  
Reason: I am the author of this  
document.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Amicus Curiae            Mr. Pawanshree Agrawal, Adv.

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Mr. Gogel Krishnan, Adv.  
Mr. Anbu, Adv.

- 3 -

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Mr. Shantanu Sagar, AOR  
Mr. R. P. Gupta, AOR  
Mr. Shovan Mishra, AOR  
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For Respondent(s)/  
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Mr. Manpreet Lamba, Adv.  
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Mr. Parveen Swarup, Adv.

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Mr. Ashwarya Sinha, AOR  
Mr. Bijoy Kumar Jain, AOR

- 4 -

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Mr. S.N. Shukla, Adv.

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Mr. Sunil Malhotra, Adv.  
Mr. Rajat Malhotra, Adv.  
Mrs. Reeta Dewan Puri, Adv.

Mr. Nakul Dewan, Adv.  
Mr. Pradhuman Gohil, Adv.  
Mrs. Taruna Singh Gohil, AOR  
Mr. Himanshu Chaubey, Adv.  
Ms. Neelu Mohan, Adv.  
Mr. Zain Maqbool, Adv.

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ramakant Raj, Adv.  
Mr. Anurag Misra, Adv.  
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Ms. Saumya Mehrotra, Adv.

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Ms. Farha Malik, Adv.

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Mr. Rajesh P., Adv.

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Mr. Balaji Srinivasan, AOR

- 6 -

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Mr. Rajiv K. Virmani, Adv.  
Mr. Atul Malhotra, Adv.  
Mr. Gaurav Jain, Adv.  
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Mr. Mool Singh, Adv.

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- 8 -

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Ms. Aparna Jha, Adv.  
Mr. Abhishek Yadav, Adv.

Ms. Anshu Gupta, Adv.  
Mr. Niraj Gupta, Adv.

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

Heard Mr. Anupam Lal Das, learned counsel appearing for respondent No.4 - Jai Prakash Associates Ltd. (JAL).

Though many a contention has been raised by Mr. Das, yet, we are not inclined to entertain the same keeping in view our orders dated 11.09.2017 and 25.10.2017. We have been told by Mr. Das that JAL has deposited a sum of Rs.550 crores before the Registry of this Court. It is submitted by Mr. Das that only 8% of the home buyers / allottees are inclined to take refund whereas others have expressed their inclination to have the flats.

We would intend to make it absolutely clear that, for the present, we are only concerned with those home buyers who

intend to have refund. In the next phase, we may consider the grievances, if any, of the home buyers who intend to have the flats. In that regard, we think it appropriate to hear Mr. Parag Tripathi, learned senior counsel appearing for Interim Resolution Professional (IRP) and Mr. Jayant Bhushan and Mr. Sanjay Hegde and others, learned senior counsel appearing for some Associations of home buyers who intend to have their flats.

As our order for deposit of Rs.2000 crores has not been complied with, we intend to pass the following directions:

(a) JAL shall deposit a further sum of Rs.200 crores in two instalments, as agreed by the Managing Director who is present in Court today. The first instalment of Rs.100 crores shall be deposited by 15<sup>th</sup> April 2018 and the second instalment of Rs.100 crores shall be deposited by 10<sup>th</sup> May 2018;

(b) It is submitted by Mr. Pawan Shree Agrawal, learned amicus curiae that as per his portal an amount of Rs.1300 crores, at present, is required to be refunded towards the principal sum for those home buyers who, as of today, seek refund. The figure of Rs.1300 crores is as per the record of JAL.

In view of the aforesaid, we would require Mr. Agrawal to prepare a projectwise Chart indicating the number of persons in respect of that project and the stage of completion of the respective projects so that appropriate order can be passed for disbursement of the amount on pro-rata basis to the home buyers;

(c) Mr. Agrawal, learned amicus curiae shall keep the portal operational. However, the requests of only those persons on the portal who have sought refund, as of today will be considered at this stage;

(d) The submission of the home buyers who are seeking refund is that the developer is making demands towards monthly instalments. We direct that no demand towards

- 10 -

outstanding or future instalments shall be raised by the developer to the flat buyers who have, as of today, expressed the option to obtain refund. The demands raised by the developer in respect of the home buyers who have already opted for refund till today, shall remain stayed;

(e) The IRP may proceed to finalise the resolution plan but the same shall be implemented after taking leave of this Court.

(f) The National Company Law Tribunal (NCLT) shall decide subject to the directions which we have given hereinabove.

Before we fix the next date, we must note that we have been apprised that Mr. Shekhar Naphade, learned senior counsel who was appointed to espouse the cause of the home buyers before the Committee of Creditors has expressed his inability to continue as such.

In view of the aforesaid, a need has arisen to appoint someone else in place of Mr. Shekhar Naphade and accordingly we appoint Mr. Gaurav Agrawal, Advocate. It is further clarified that Mr. Gaurav Agrawal shall be guided by our previous orders.

Let the matter be listed on 16<sup>th</sup> April 2018 so that this Court can take note of whether the developer has complied with the direction of depositing the first instalment and to pass directions with regard to disbursement of the amount deposited on pro-rata basis on the basis of the report submitted by Mr. Pawan Shree Agrawal.

(Subhash Chander)  
AR-cum-PS

(H.S. Parasher)  
Assistant Registrar