IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. 74983 OF 2020
IN
M.A. NO. 3064 OF 2018
IN
CIVIL APPEAL NOS.5157-5158 OF 2018

TANAJI BALASAHEB GAMBHIRE .. APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. .. RESPONDENT(S)

IN THE MATTER OF :

M/S Goel Ganga Devlopers India Pvt.Ltd. Applicant(s)

O R D E R

Heard learned counsel for the parties in IA No. 74983/2020.

An order was passed by this Court on 10.08.2018, in which following condition was imposed:

> **"… The project proponent is granted six months' time to deposit the amount of damages imposed in terms of direction No.(ix) supra in the Registry of this Court. In case the project proponent does not deposit the amount within six months then all the assets of the project proponent i.e. M/s. Goel Ganga Developers India Pvt. Ltd. as well as its Directors shall be attached and the amount of damages shall be recovered by sale of those assets. It is further directed that in case this amount is not deposited within the period of six months then the**

Signature Not Verified
Digitally signed by Charanjeet Kaur
Date: 2024.08.24 17:25:25 IST
Reason:

> **licence/registration/permission granted to M/s. Goel Ganga Devleopers India Pvt Ltd. to develop any "real estate project" within the meaning of the Real Estate (Regulation and Development) Act, 2016 shall be cancelled and the project proponent i.e. M/s. Goel Ganga Developers India Pvt. Ltd. and its Directors shall not be granted permission to develop any "real estate project" under the Real Estate (Regulation and Development) Act, 2016 without permission of this Court."**

However, an application has been filed for recall of the order on the ground that the aforesaid order was passed without issuance of notice to the applicant M/s Goel Ganga Developers India Pvt. Ltd.. An application was filed viz. IA 76404/2019 in MA No.3064/2018 and along with other matters it was considered and order was passed by this Court on 27.01.2020. The same is extracted hereunder :

> **I.A. No. 76404/2019 in MA 3064/2018 was placed for consideration and this Court has permitted construction on deposit of Rs. 40 Crores with respect to the property which was not the subject matter of the CA. No 10854 of 2016 and connected matters.**
>
> **This Court also took note of the fact that the grievance of the applicant that 40 crores have been**

> **deposited out of 100 cores and he has not in a position to deposit balance 60 Crores. This Court has ordered that the applicant may be granted requisite permission and this order will not come in its way.**

Since the construction has been raised and whether the amount of Rs. 60 crores is required to be deposited, will depend upon the outcome of the pending application for recall, i.e. M.A. no. 3064/2018. Although, it is not so recorded in the order passed in IA No. 76404/2019 in MA No. 3064/2018, the developer will have to pay the amount of Rs. 60 crores in case the recall application is rejected. However, there is an interim order and M.A. No. 3064/2018 is pending. At the same time, since the property has been constructed, we permit the sale of assets and properties of the applicant or its Directors, which are not the subject matter of the C.A. no. 10854 of 2016. However, the same exercise can be done only on furnishing undertaking that in case the order of this Court is confirmed, it will be complied with within the time fixed by the Court while disposing of M.A. No. 3064/2018. Let such undertaking be

furnished within one week.

It is made clear that we have not commented on the prayer for modification of the order passed by this Court. Only sale has been permitted in order to raise the money.

I.A. No. 74983/2020 stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[B.R. GAVAI]

.....J.
[KRISHNA MURARI]

NEW DELHI,
AUGUST 19, 2020.

ITEM NO.29.1 Court 3 (Video Conferencing) SECTION XVII

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(s). 10854/2016

M/S. GOEL GANGA DEVELOPERS INDIA PVT. LTD. Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(ONLY I.A. NOS. 74983 AND 74986/2020 IN M.A NO. 3064/2018 TO BE LISTED AGAINST THIS MATTER)

WITH

IA No. 74983/2020 In
MA 3064/2018 in C.A. No. 5157-5158/2018 (XVII)
(for APPROPRIATE ORDERS/DIRECTIONS)
IA No. 74986/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 19-08-2020 This application was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

Counsel for the parties :
For Appellant(s)

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Ms. Suhasini Sen, Adv.

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Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. E. C. Agrawala, AOR

Mr. Aman Varma, AOR

Mr.Shankey Agrawal, AOR

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 74983/2020 stands disposed of in terms of the signed order.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

[Signed order is placed on the file]