

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(201)

CWP-10926-2015

Decided on : 20.09.2023

M/s Unitech Ltd. & another

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Ms.Deepika Sood, Advocate, for
Mr.Abhinav Sood, Advocate for the petitioner (s).

Mr.Arun Beniwal, DAG, Haryana.

Mr.Karan Matharu, Advocate, for
Mr.A.A.Pathak, Advocate, for respondent No.3.

G.S. Sandhawal, J. (Oral)

Challenge in the present writ petition, filed under Article 226 of the Constitution of India is to the notification dated 12.12.2014(Annexure P-1) issued by respondent No.1 and also the directions dated 27.04.2015 (Annexure P-2) passed by respondent No.2 against the petitioner-Company.

2. The writ petition was filed by Mr.Sanjay Khanna who was authorized vide Board's resolution dated 14.05.2015 regarding the Company, M/s Unitech Ltd., petitioner No.1 and the developer of M/s Unitech Residential Resorts Pvt. Ltd., petitioner No.2. Challenge has been raised primarily to the re-constitution of the District Public Relation & Grievance Committee by the State and the order wherein directions were passed to pay compensation @ Rs.5/- sq. feet per month as per builder and buyer agreement for the delayed possession, failing which suitable criminal proceedings were also to be initiated against the developer.

3. In CA-10856-2016 titled *Bhupinder Singh Vs. Unitech Ltd.* the Apex Court on 20.01.2020 directed that the existing Board of Directors of Unitech Ltd. be superseded by the new Board of Directors and the proposal of the Union of India had been approved which was constituted of 7 persons plus the induction of Mr.Prabhakar Singh w.e.f. 01.02.2020. The newly constituted Board was to prepare a resolution framework within a period of 2 months and submit it before the Apex Court. There has been protection which was granted against the Company and its subsidiaries as well as the enforcement of the orders which may be passed against the Company. However, the erstwhile management or officers of M/s Unitech Ltd. involved in any criminal wrongdoings were not protected and so there was to be no restraint on any investigation agency. Relevant part of the directions reads as under:

“(vii) Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company;

(viii) The moratorium which has been imposed by this Court in clause (vii) above shall not impede, affect or restrain any existing investigation or prosecution or any investigation or prosecution which may hereafter be initiated against the erstwhile management or officers of Unitech Limited for acts involving a criminal wrongdoing. This order shall not be construed as any restraint on the investigative process of any agency”

4. Similarly, the newly constituted Board would be at liberty to take a comprehensive view on all pending and other projects and to make such proposals as would appear to them to be proper, as per clause (xii). Specific orders had been passed regarding the properties at Noida, DDA, Bangalore and Chennai land sale. No separate resolution has been brought to our notice

regarding the fact that new Board is to continue with the present set of proceedings. Even otherwise, the protection was sought against the erstwhile Board of Directors when the petition was filed who are no longer protected in view of the orders of the Apex Court which are reproduced above. Even otherwise, the Company itself is protected in view of the said order which would apply to all authorities.

5. Resultantly, we are of the considered opinion that the present writ petition has been rendered infructuous and the same is disposed of, as such.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

20.09.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No