

IMC's Sixth Newsletter for giving key updates/ developments to Homebuyers & Fixed Deposit Holders during Phase II period pursuant to approval of the Resolution Plan of Suraksha Group by Hon'ble NCLT vide its order dated March 7, 2023.

To,

The Respected Home Buyers of Jaypee Infratech Limited,

This Newsletter is to share important updates/developments with Homebuyers & Fixed Deposit Holders post approval of Resolution Plan by Hon'ble NCLT vide its order dated March 7, 2023 and after issue of 5th newsletter on April 15th, 2024.

I. Legal Update

A. Before Hon'ble NCLAT

S No.	Particulars	Appeal No.	Hearing Date
1	Yamuna Expressway Industrial Development Authority V. Monitoring Committee of Jaypee Infratech Ltd. Through Anuj Jain, Secretary &Ors.	Company Appeal (AT) (Insolvency) No. 493 of 2023 <i>along with connected IAs</i>	18th April, 2024

- i. The pending matter came up before Hon'ble NCLAT on April 18, 2024.
- ii. Suraksha Realty Limited and Lakshdeep Investments and Finance Private Limited ("Successful Resolution Applicants" or "SRA") took a proactive step in larger public interest, especially for Homebuyers of Jaypee Infratech Limited (JIL). Without prejudice to its legal rights, in a demonstration of good faith and a commitment to resolve the lingering issues, Suraksha presented an **unconditional offer of a significant amount of additional Rs 1216 crore to pay to the farmers** over a period of four years. ***(SRA Proposal – Annexure I)***
- iii. This Bonafide offer was presented by the counsel for SRA, to YEIDA and the Hon'ble NCLAT despite having arbitration award in its favour.
- iv. The counsel for IMC emphasized that the request of YEIDA for upfront payment would not only be challenging for this SRA but any other Applicant considering the implementation of the plan and the requirement for timely completion of building homes for over 20,000 homebuyers which will cost approx. Rs 6000 Crs. He also mentioned that this is a far better situation where due to this significant additional payment of Rs 1216 crore to farmers, the resolution plan remains

unaffected. Suraksha is bringing forth this amount over and above the treatment of other creditors as stipulated in the resolution plan, this reflects a proactive and responsible approach to resolution by Suraksha.

- v. Further, this offer attained support from counsels of financial creditors (NARCL) and Home Buyers.
- vi. Despite SRA's plea for approval of its aforesaid offer for significant additional payment to farmers and declaration of Approval Date as order of Hon'ble NCLAT and commencement of plan implementation at the earliest for the benefit of all stakeholders, YEIDA outrightly rejected the said SRA offer and continued to present arguments. The matter is scheduled for further deliberation on April 22, 2024, and the proceedings will continue on a day-to-day basis as directed by the Hon'ble NCLAT. *(NCLAT Order – Annexure II)*
- vii. Further, Hon'ble NCLAT informed JAL's counsel that they would not give more than 5 minutes and were not inclined to allow JAL's intervention application.

B. Before Hon'ble Supreme Court

S No.	Particulars	Appeal No.	Hearing Date
1	SURAKSHA REALTY LTD. & ANR. vs. DEPUTY COMMISSIONER OF INCOME TAX & ANR.	Civil Appeal No. 7412 of 2023 <i>(Supreme Court)</i>	15 th April, 2024

- i. On April 15, 2024 the captioned matter was listed before the Hon'ble Supreme Court, wherein the Counsel appeared on behalf of Implementation and Monitoring Committee (IMC) of Jaypee Infratech Limited (JIL) argued that because of the issue of Income Tax, the implementation of the Resolution Plan has been held up. The huge liability levied by the Income Tax Department which is in fact a crystallized demand and not a future liability is directly affecting more than 20,000 homebuyers who have been waiting for their homes for more than 10 years
- ii. The Counsel appearing on behalf of SRA argued that this demand of Rs. 33,000 crore by the Income Tax Department is a past liability which has been crystallized/quantified and reduced to judgement vide order dated 31.03.2017 of CIT(A) and the manner of calculation of such demand is also done in an arbitrary manner.

- iii. The Hon'ble Supreme Court after hearing the submissions made from both sides put Income Tax Department to notice that while examining the issues in the present appeal, this Hon'ble Court may go into the question of validity of the assessment order, in exercise of its jurisdiction under Article 142 and Article 136 of the Constitution of India and further directed the Income Tax Department that a copy of the assessment order will be examined by the Chairperson of the Central Board of Direct Taxes, who will file an affidavit in the Court examining all aspects and issues within a period of 25 days.
- iv. The Hon'ble Bench further held that the above observations and the aforesaid direction to the Income Tax Department are being made in view of the very peculiar facts and circumstances wherein the Resolution Plan for construction of a housing project, which affects about 20,000 home buyers is at stand still. **(SC Order – Annexure III)**
- v. The matter is now listed for a hearing in the week commencing May 13th, 2024.

**Implementation and monitoring committee
For Jaypee Infratech Limited
Through its Homebuyer Representative
Mr Kuldeep Verma**

LAKSHDEEP INVESTMENTS AND FINANCE PRIVATE LIMITED

Registered Office: 3, Narayan Building, 23, L N Road, Dadar (East), Mumbai 400 014.

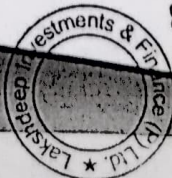
CIN: U67120MH1993PTC072685 | Tel: +91 22 43341999 | Email: lakshdeepinvestments@gmail.com

WITHOUT PREJUDICE**SURAKSHA OFFER**

April 18, 2024

Without going into the merits of the matter and despite having provision in the CoC approved plan that Suraksha shall not bear any additional liability, only with good intent and bona-fide, in order to bring this CIRP process to logical conclusion as per directions of Hon'ble SC, in line with larger objects of the Code of insolvency resolution and in larger public interest, Suraksha is willing to unconditionally pay additional amount of Rs 1216 crore to farmers by Jaypee for the land of 8,640 acres (excluding 1537 acres of land already sold to third parties by Jaypee before submission of the resolution plan and also excluding land of 744 acres at NOIDA where stuck projects of homebuyers are situated for which farmers have already received additional compensation - **Refer page 28 of Information Memorandum**) in 4 years (25% each year with 10% upfront in 90 days) committed schedule as under table below:

Timeline for Payment	Land Parcels (Acres)	Payment Proposed	% Payment proposed
Upfront payment within 90 days from the Approval Date		122	10%
At the end of Year 1 from the Approval Date		182	15%
At the end of Year 2 from the Approval Date		304	25%
At the end of Year 3 from the Approval Date		304	25%
At the end of Year 4 from the Approval Date		304	25%
Total Compensation for land parcels aggregating to 9,384 acres	8,640	1,216	100%
Compensation excluded relating to land parcels of 744 acres where homebuyers' projects are situated and for which farmers have already received additional compensation	744	143	
Compensation excluded relating to land parcels already sold by Jaypee to Third Parties aggregating to 1,537 acres	1,537	330	
Total Additional Farmers' Compensation	10,921	1,689	



[Signature]

LAKSHDEEP INVESTMENTS AND FINANCE PRIVATE LIMITED

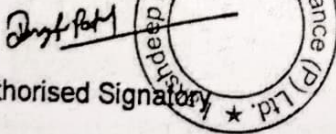
Registered Office: 3, Narayan Building, 23, L N Road, Dadar (East), Mumbai 400 014.
CIN: U67120MH1993PTC072685 | Tel: +91 22 43341999 | Email: lakshdeepinvestments@gmail.com

The above additional payment is subject to YEIDA and State Government facilitating effective implementation of the Resolution Plan, in larger public interest:

- A. On payment of 10% of the total amount proposed, the farmers' dues get restructured as per above payment schedule. YEIDA will grant all requisite approvals, allows construction of stalled projects as per Resolution Plan, development and sale of the said land parcels. etc. In case of sale of land to third party, the proportionate dues of the particular land will be paid at time of transfer;
- B. On payment of 10% of the total amount proposed, YEIDA and local administrative authority shall facilitate in handing over the physical possession of the land parcels from farmers in case of encroachment over the land parcels, if any and
- C. While we are offering the above payment unconditionally in the interest of homebuyers and implementation of the Resolution Plan and not making it condition precedent, the request made/ relief sought under the settlement proposal dated 05.03.2024 shall be considered in bona fide and in time bound manner by YEIDA.

For Lakshdeep Investments and Finance Private Limited
As a Consortium member of Suraksha Group.

Authorised Signatory



Annexure II

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT)(Insolvency) No. 493 of 2023

&

I.A. No. 3017, 3703 of 2023 & I.A. NO. 2660, 2669 of 2024

IN THE MATTER OF:

**Yamuna Expressway Industrial
Development Authority**

...Appellant

Versus

**Monitoring Committee of Jaypee Infratech Ltd.
Through Anuj Jain, Secretary & Ors**

...Respondents

Present:

For Appellant : Mr. N Venkataraman, ASG & Sr. Advocate with Mr. Gopal Jain, Sr. Advocate, Mr. Amar Gupta, Mr. Aniket Aggarwal and Mr. Mohit Sharma, Advocates.

For Respondents : Mr. Mukul Rohatgi, Sr. Advocate with Mr. Rajshekhar Rao, Sr. Advocate, Mr. Mahesh Agarwal, Ms. Geetika Sharma, Mr. Sagar Bansal, Ms. Eshna Kumar, Mr. Shivam Shorewala, Advocates for R-2 & R-3

Mr. Sumant Batra, Mr. Sanjay Bhatt, Ms. Nidhi Yadav, Ms. Apoorva Chowdhury and Mr. Sarthak Bhandari, Advocates for R-1

Mr. Raunak Dhillon, Ms. Aishwarya Gupta, Mr. Ashutosh Singh, Advocates for I.A. No. 2535 of 2024

Mr. Manoj Swarup, Sr. Advocate, Mr. Neelmani Pant and Mr. Santanu, Advocates for Applicant in I.A. No. 3017 of 2023.

Mr. Sumesh Dhawan, Ms. Vatsala Kak, Mr. Shaurya Shyam and Mr. Kuldeep Verma, Advocates for I.A. No. 2660/2024

Mr. Parul Sharma, Advocate in I.A. No. 3703/2023.

Mr. Dhruv Dewan, Mr. Amit Kumar Mishra, Ms. Mitaksara Goyal, Mr. Akshat Hansaria and Mr. Shivam Singh, Advocates for Homebuyers/Intervenors

Mr. Gaurav Mitra and Mr. Chitranshol A. Sinha, Advocates in I.A. No. 2660 of 2024.

Mr. M. Krishnan Venugopal, Sr. Advocate with Mr. Anupam Choudhary, Mr. Sarvesh Mehra, Mr. Avinash Mathews and Mr. Krishan Agarawal, Advocates for Intervenors (Sai Prakash associates Ltd.)- Applicants in I.A. No. 1881 of 2024

ORDER
(Hybrid Mode)

18.04.2024: Learned Sr. Counsel for the Appellant has commenced his argument. Arguments to continue on **22nd April, 2024 at 2:00 PM.**

We have indicated to all the Counsel appearing in this case that arguments will continue on day to day basis as overnight 'part heard'.

Learned Counsel for SRA seeks liberty and is allowed to file Additional Affidavit by 19.04.2024. Appellant may respond to the Additional Affidavit by 22.04.2024.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

akc/Nn

ITEM NO.46

COURT NO.2

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. 7412/2023

SURAKSHA REALTY LTD. & ANR.

Appellant(s)

VERSUS

DEPUTY COMMISSIONER OF INCOME TAX & ANR.

Respondent(s)

(IA No.226930/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.226926/2023-EX-PARTE STAY)

WITH

C.A. No. 8121/2023 (XVII)

(FOR ADMISSION and IA No.260002/2023-EX-PARTE STAY)

Date : 15-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)

Mr. Parag P. Tripathi, Sr. Adv.
Mr. Sumant Batra, Adv.
Mr. Sanjay Bhatt, Adv.
Mr. Rabin Majumder, AOR
Ms. Akansha Srivastava, Adv.
Mr. Joydeep Mukherjee, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Rohan Talwar, Adv.
Ms. Geetika Sharma, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s)

Mr. N. Venkatraman, A.S.G. (N/P)
Mr. Arijit Prasad, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. V. Chandrashekhara Bharathi, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. Navanjay Mahapatra, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala,, Adv.
Mr. Rohan Talwar, Adv.
Ms. Geetika Sharma, Adv.
Mr. Sagar Bansal, Adv.
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Mr. Rabin Majumder, AOR
Ms. Akansha Srivastava, Adv.
Mr. Joydeep Mukherjee, Adv.

Mr. Rana Mukherjee, Sr. Adv.
Mr. Chitranshul A. Sinha, AOR

Mr. Shoeb Alam, Sr. Adv.
Mr. Amit Kumar Mishra, Adv.
Ms. Mitakshara Goyal, Adv.
Mr. Akshat Hansaria, Adv.
Mr. Shivam Singh, Adv.
Mr. Kunal Chatterji, AOR

Mr. Anil Dutt, Adv.
Mr. Anupam Chaudhary, Adv.
Mr. Vishal Gupta, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv. **

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

We put respondent no. 1 - Deputy Commissioner of Income Tax, Circle 5(1)(1), Noida to notice that this Court, while examining the issues in the present appeal, may go into the question of validity of the assessment order, in exercise of its jurisdiction under Article 142 and Article 136 of the Constitution of India.

A copy of the assessment order will be examined by the Chairperson of the Central Board of Direct Taxes, who will file an affidavit in the Court examining all aspects and issues. The affidavit will be filed within a period of 25 days from today.

We have made these observations and passed the aforesaid

direction in view of the very peculiar facts and circumstances of the case. Resolution plan for construction of a housing project, which affects about 20,000 home buyers is at stand still. Some of the home buyers had made the bookings as early as in the year 2008. The Corporate Insolvency Resolution Process had commenced in 2017.

Re-list in the week commencing 13.05.2024.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

** No appearance slip received