

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

Miscellaneous Application No.1235/2026 in C.A. No.2626/2025

[Arising out of impugned final judgment and order dated 05-02-2026 in C.A. No.2626/2025 passed by the Supreme Court of India]

APEX HEIGHTS PVT. LTD.

Petitioner(s)

VERSUS

RAM KISHOR ARORA & ANR.

Respondent(s)

IA No. 107113/2026 - APPLICATION FOR PERMISSION

Date : 10-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

Mr. Rajiv Jain, Adv. (A.C.)
Mr. Amarendra Kumar, Adv.
Mr. Md. Zaid Hashmat, Adv.
Ms. Shruti Sakshi, Adv.

For Petitioner(s) :Mr. Shubham Jain, AOR

For Respondent(s) :Mr. Mudit Sharma, Adv.
Ms. Nandini Sharma, Adv.

Mr. Nakul Diwan, Sr. Adv.
Ms. Kanika Singhal, AOR
Ms. Deepshikha, Adv.

Mr. Dinesh Kumar Garg, AOR

Mr. Sunil Kumar Sharma, AOR

Mr. Ajay Bhargava, Adv.
Mrs. Vanita Bhargava, Adv.
Ms. Wamika Trehan, Adv.
Mr. Siddhant Kumar, Adv.
M/s. Khaitan & Co., AOR

Mr. Devansh Srivastava, AOR

Mr. Himanshu Shekhar, AOR
Mr. M.L. Lahoty, Adv.

Mr. Anchit Sripat, Adv.
Ms. Siddhi Bohra, Adv.

Ms. Aakriti Jain, AOR
Mr. Mohit Arora, AOR
Ms. Sonal Gupta, AOR
Ms. Swikriti Singhanian, AOR
Mr. Vishal Arun Mishra, AOR
Mr. Krishnamohan K., AOR
Mr. Devansh Srivastava, AOR

Mr. Kedar Nath Tripathy, AOR
Mr. Aditya Narayan Tripathy, Adv.

Mr. Luv Virmani, AOR

Mr. Mareesh Pravir Sahay, AOR
Ms. Yaman Verma, Adv.
Ms. Chitra Chanda, Adv.
Mr. Kartik Virmani, Adv.

Mr. Kumar Mihir, AOR

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

1. This application has been moved by Shri Rajiv Jain, learned *amicus curiae*, and his assisting counsel Mr. Amarendra Kumar, learned counsel, seeking permission to place on record their report-cum-recommendations.
2. It may be mentioned that the National Company Law Appellate Tribunal, Principal Bench had, *vide* judgement dated 12.12.2024, entrusted the completion of 16 real estate projects to the National Buildings Construction Corporation ("NBCC"). For the facilitation and monitoring of the same, an Apex Court Committee as well as Project-wise Committees were also constituted. This framework has been effectively approved by this Court, *vide* order dated 05.02.2026, passed in the Civil Appeal.
3. However, on 30.03.2026, the Insolvency and Bankruptcy Board of

India ("IBBI") issued a disciplinary order, suspending the registration of the Interim Resolution Professional ("IRP"), Mr. Hitesh Goel, for a period of two years. That order shall come into force from 29.04.2026. It is pointed out that the order of suspension has been issued after IBBI found the resolution professional guilty of misconduct, such as contravening the statutory provisions and failure to disclose material information in the information memorandum.

4. Although, as is pointed out by Mr. Nakul Divan, learned Senior Counsel, the IRP has challenged the suspension order before the Delhi High Court, it seems to us that the projects, meanwhile, must be completed under Court monitored action. Propriety demands that the IRP, till he is fully exonerated by the Court or any other prescribed authority, should distance himself from the ongoing proceedings. We, therefore, find merit in the recommendations made by the learned *amicus curiae* that a Court monitored mechanism be adopted to ensure the completion of the projects by NBCC takes place without any hindrance.

5. At this juncture, we hasten to note that there are approximately 30 projects undertaken by the company in question, out of which 16 have been entrusted to NBCC for completion, by way of the judgement dated 12.12.2024 and order dated 05.02.2026. In our considered opinion, the issues relating to the remaining projects also ought to be administered within the same court-monitored framework. Accordingly, the underlying policy with respect to all the projects, whether fully completed, substantially or partially completed, or which are lying incomplete and inactive,

including those which have been handed over to NBCC, shall be determined by a common authority that may be set up by this Court.

6. With a view to enable the parties to suggest the composition of such authority, including names for prospective members, post this matter for further consideration on 13.04.2026.

7. We direct the Apex Court Committee to not take any major policy decision, meanwhile.

8. It is clarified that the instant order is being passed to maintain transparency and perceived integrity in light of emergent circumstances. It shall not be taken as casting any aspersion on the conduct of Mr. Hitesh Goel in the proceedings of the instant case. In other words, this order shall have no bearing whatsoever in the proceedings pending at Mr. Goel's instance, challenging the order of suspension.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR