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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010013512026

Judgment Reserved: 09.09.2026
Judgement Pronounced: 29.09.2026

\+ CRL.REV.P. 37/2026 & CRL.M.A. 1754/2026, CRL.M.A. 2885/2026, CRL.M.A. 13506/2026

DIRECTORATE OF ENFORCEMENT .....Petitioner

Through: Mr. Vivek Gurnani, Panel Counsel with Mr. Kanishk Maurya and Mr. CH. Abhinandan Patra, Advocates.

versus

GREENOPOLIS WELFARE CONFEDERATION AND ANR .....Respondents

Through: Mr. Ramji Srinivasan, Senior Advocate with Mr. Tanmaya Mehta, Mr. Harshit Sethi, Ms. Shilpa Ohri, Mr. Jai Sikand and Ms. Khushboo Nahar, Advocates for GWC.

Mr. Nitesh Jain and Mr. Lakshmikant Srivastava, Advocates for applicant.

Mr. Mahesh Jethmalani, Senior Advocate with Ms. Kanika Singhal, Mr. Shivam Singh Rana and Ms. Deepshikha, Advocates for IRP.

Mr. Tanmaya Mehta and Ms. Shilpa Ohri, Advocates for Nishit Badola.

Mr. Krishnan Venugopal, Senior Advocate with Ms. Pooja Mahajan, Mr. Savar Mahajan, Ms. Srivastava Reddy and Ms. Urvashi Girdhar, Advocates for GWA.

\# **CNR No. DLHC010046772026**

\+ CRL.REV.P. 87/2026 & CRL.M.A. 4344/2026, CRL.M.A. 4345/2026, CRL.M.A. 4346/2026, CRL.M.A. 4347/2026, CRL.M.A. 4348/2026, CRL.M.A. 20297/2026

GREENOPOLIS WELFARE ASSOCIATION .....Petitioner

Through: Mr. Dhruv Malik, Mr. Aditya Pandey and Mr. Rudransh Mathur, Advocates.

versus

DIRECTORATE OF ENFORCEMENT THROUGH ASSISTANT DIRECTOR AND ORS .....Respondents

Through: Mr. Vivek Gurnani, Panel Counsel with Mr. Kanishk Maurya and Mr. Ch. Abhinandan Patra, Advocates for ED.

Mr. Ramji Srinivasan, Senior Advocate with Mr. Tanmaya Mehta, Mr. Harshit Sethi, Ms. Shilpa Ohri, Mr. Jai Sikand and Ms. Khushboo Nahar, Advocates for GWC.

Mr. Mahesh Jethmalani, Senior Advocate with Ms. Kanika Singhal, Mr. Shivam Singh Rana and Ms. Deepshikha, Advocates for IRP.

Mr. Krishnan Venugopal, Senior Advocate with Ms. Pooja Mahajan, Mr. Savar Mahajan, Ms. Srivastava Reddy and Ms. Urvashi Girdhar, Advocates for GWA.

\# **CNR No. DLHC010000152026**

\+ W.P.(CRL) 2/2026 & CRL.M.A. 1418/2026, CRL.M.A. 1905/2026, CRL.M.A. 2094/2026, CRL.M.A. 2701/2026, CRL.M.A. 3391/2026, CRL.M.A. 3392/2026, CRL.M.A. 4233/2026, CRL.M.A. 4234/2026,

CRL.M.A. 4235/2026, CRL.M.A. 7289/2026, CRL.M.A. 12328/2026 CRL.M.A. 16729/2026, CRL.M.A. 17098/2026, CRL.M.A. 20306/2026, CRL.M.A. 21611/2026, CRL.M.A. 23324/2026

GREENOPOLIS WELFARE CONFEDERATION .....Petitioner

Through: Mr. Ramji Srinivasan, Senior Advocate with Mr. Tanmaya Mehta, Mr. Harshit Sethi, Ms. Shilpa Ohri, Mr. Jai Sikand and Ms. Khushboo Nahar, Advocates for GWC.

versus

DIRECTORATE OF ENFORCEMENT AND ANR .....Respondents

Through: Mr. Vivek Gurnani, Panel Counsel with Mr. Kanishk Maurya and Mr. Ch. Abhinandan Patra, Advocates for ED.

Mr. Mahesh Jethmalani, Senior Advocate with Ms. Kanika Singhal, Mr. Shivam Singh Rana and Ms. Deepshikha, Advocates for IRP.

Mr. Krishnan Venugopal, Senior Advocate with Ms. Pooja Mahajan, Mr. Savar Mahajan, Ms. Srivastava Reddy and Ms. Urvashi Girdhar, Advocates for GWA.

Mr. Vikas Pahwa and Mr. Anurag Ahluwalia, Senior Advocates with Mr. Raj Kamal, Mr. Shivam Sachdeva, Mr. Harneet Singh, Mr. Manish Kumar Sharma, Advocates for M/s Lavender Infraprojects.

Mr. Kanu Agrawal with Mr. Gaurav Vats, Mr. Shubham Shukla, Advocates for Intervenor/Mamta Jain.

Mr. Amit Chadha, Senior Advocate with Mr. Shashwat Tripathi with Ms. Ridhima

Verma, Mr. Raushal Kumar, Ms. Madhu Ayachit, Ms. Aparajita Singh, Advocates for Lotus Valley LLP and White Lotus Projects.

HON'BLE MR. JUSTICE A. J. BHAMBHANI

J U D G M E N T

A. J. BHAMBHANI, J

I. INTRODUCTION

By way of CRL.REV.P. No. 37/2026 filed under section 438 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') the Directorate of Enforcement ('ED') *inter-alia* seeks setting aside of order dated 27.11.2025 passed by the learned Additional Sessions Judge-02, South-East District, Saket Court, New Delhi in application bearing Misc No. 1337/2025 in complaint bearing CT No. 09/2025 ('impugned order') in the following terms:

> *"a. Set aside and quash the Impugned Order dated 27.11.2025 passed by Court of Ld. ASJ 02, South East, District Saket Delhi in relation to Prosecution Complaint bearing Number Ct Case 09 of 2025;*
>
> *or*
>
> *"b. Remand the matter back to the Ld. Special Court to reconsider the contentions made in this petitioner [sic] and direct the Ld. Special Court to ascertain the actual homebuyers/beneficiaries from the IRP before proceeding with restitution of assets to safeguard the interest of actual homebuyers; and/or*
>
> *"c. Pass any other order(s) or direction(s) as it may deem fit in the interest of justice."*

2. By way of CRL.REV.P. No. 87/2026 filed under section 438 read with section 528 of the BNSS, Greenopolis Welfare Association ('GWA') also challenges the impugned order and seeks further relief in the following terms:

"a) Call for the records of case CT No. 09/2025 titled as "ED v Nirmal Singh & Ors.", currently pending adjudication before the Court of Ld. ASJ-02, South-East District, Saket Courts, New Delhi;

"b) Set aside and quash the Impugned Order dated 27.11.2025 passed in Misc. No. 1337 of 2025 by Ld. Special Court, PMLA in Prosecution Complaint bearing Number CT Case 09 of 2025 titled as Enforcement Directorate vs. Nirmal Singh & Ors.; and/or

"c) In the interim, stay the effect of the Impugned Order dated 27.11.2025 passed by the Court of Ld. ASJ-02, South-East District, Saket Courts, New Delhi in Misc. No. 1337/2025, in the matter titled as "ED v Nirmal Singh & Ors" bearing case No. CT No. 09/2025; and/or

In the alternative:

"d) Clarify that the restitution shall be made only to the homebuyers that paid monies to Three C Shelters and further, such restitution shall be made by Respondent No. 1 in accordance with Prevention of Money Laundering (Restoration of Property Rules) 2016;

"e) Issue directions to the effect that v [sic] the restitution will not have the effect of satisfying the claims of homebuyers that gave monies to Three C Shelters and they will continue to have a right to their homes against Orris; and/or

"f) Pass any other order as this Hon'ble Court deems fit in the facts and circumstances of the instant case."

3. On the other hand, by way of W.P.(CRL) No. 2/2026 filed under Article 226 of the Constitution of India, Greenopolis Welfare Confederation ('GWC') seeks the following reliefs:

"a) Issue a writ, order or direction, thereby holding that the undertaking furnished by the IRP and recorded before the Hon'ble Supreme Court of India in its order dt. 20.11.2025, in relation to the subject matter is final, binding, and enforceable in law, and passing consequential orders for enforcement and implementation of the said undertaking / order by the Respondents herein;

"b) Issue a writ, order or direction, thereby declaring that any proceedings, orders, or actions initiated or continued in the teeth of, in derogation of, inconsistent with, or in overreach of the said undertaking as recorded in the order dt. 20.11.2025 of the Hon'ble Supreme Court would be impermissible in law and liable to be declared non-est and void;

"c) Issue a writ, order or direction to the Respondents to take immediate steps towards restoration / restitution of assets to the genuine creditors / claimants of M/s Three C Shelters Pvt. Ltd., in compliance with their statutory duties / responsibilities as well as the order dt. 20.11.2025 of the Hon'ble Supreme Court and order dt. 27.11.2025 passed by the Court of Ld. Special Judge, PMLA;

"d) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

4. By way of application bearing CRL.M.A. No. 13506/2026 in CRL.REV.P. No. 37/2026, ED seeks appointment of a monitoring committee in terms of the observations made in order dated 10.04.2026 passed in SLP (Crl) Nos.6525-6526/2026, in which the Supreme Court had *inter-alia* observed as follows:

"5. We find that the petitioners before us are also necessary and proper parties to be heard by the High Court. Consequently, their application(s) for impleadment shall be deemed to have been allowed.

"6. Since the main case is still pending before the High Court, we do not express any opinion on the merits, allegations or cross-allegations made by the parties. All that we deem appropriate is to request the learned Judge to make an endeavour to take up the main case on the date fixed for final disposal. Learned senior counsel for the parties have assured that full cooperation shall be extended to the learned Judge.

"7. Hon'ble Chief Justice of the High Court shall also list the interim applications, if any, which have been filed in the main case before

Justice Anup Jairam Bhambhani, as per the roster. Any order on those applications may be passed after hearing both sides.

"8. At this stage, Mr. S.V. Raju, learned ASG representing the Directorate of Enforcement (ED) has suggested reappointment of a former Judge of this Court as the monitoring authority. We do not express any opinion in relation thereto and leave it open to the ED to make such prayer before the High Court."

5. Thereafter some of the parties moved applications before the Supreme Court seeking a clarification in relation to a portion of order dated 10.04.2026. Those applications were disposed-of by the Supreme Court *vidé* order dated 10.08.2026 passed in Miscellaneous Application Diary No. 46223/2026, *inter-alia* with the following observations:

"3. IA Nos. 224090/2026, 234240/2026 and 234543/2026 have been moved for clarification/modification of our order dated 10.04.2026. Vide that order, we declined to express any opinion on the merits of the allegations or cross-allegations made by two sets of homebuyers and held it appropriate to request the learned Judge of the High Court to take up the case for final disposal. The parties were directed to extend full cooperation to the learned Judge.

"4. It may be mentioned that the matter is pending before Justice Anup Jairam Bhambhani of the Delhi High Court. Various orders passed by the learned Judge reveal that despite the best efforts made by him for early disposal of the case, the filing of one or the other application for interim directions by the contesting parties is creating an impediment for the learned Judge. In these peculiar circumstances, while disposing of the instant applications, we are constrained to issue the following additional directions:

(i) We request Justice Anup Jairam Bhambhani to continue with the matter on a day-to-day basis and make an endeavour to decide it finally at the earliest.

(ii) Learned senior counsel/counsel for the parties are directed to extend full cooperation to the learned Judge towards final disposal of the matter.

(iii) Justice Anup Jairam Bhambhani will continue with the matter even if there is a change in roster.

(iv) The High Court may consider the prayer made by the Directorate of Enforcement and other competing parties re: constitution of a Committee headed by a former Judge of this Court and an appropriate decision in this regard may be taken. The terms of reference shall be formulated by the High Court.

"5. The parties shall not be permitted to file any further application(s) to derail the ongoing proceedings before the High Court."

6. Pursuant to the aforesaid order dated 10.08.2026, which was brought to the notice of this court on 13.08.2026, this court set-down the matter for a day-to-day hearing.

7. Considering the contours of the matter, this court finds it appropriate to deal-with all the aforesaid three petitions on merits, along with addressing the directions passed by the Supreme Court in the aforesaid orders, including in para 4(iv) of order dated 10.08.2026 as extracted above.

8. Before proceeding it is necessary to give context of the dispute that has led to multiple proceedings being filed by various parties claiming conflicting rights. To that end, it would be desirable to narrate in some detail the chequered history of the present batch of matters.

II. GENESIS OF THE DISPUTE

9. The genesis of the dispute between the parties is a Development Agreement dated 02.11.2011 that was entered into between M/s Three C Shelters Pvt. Ltd. ('3C Shelters'), M/s Orris Infrastructure Pvt. Ltd.

('Orris'), M/s Three C Universal Developers Pvt. Ltd. and certain land owners ('development agreement'), for construction and development of a residential project on a parcel of land admeasuring about 47.218 acres situate in villages Hayatpur and Badha, forming part of Sector 89, Gurgaon, Haryana ('Greenopolis project' or 'project').

10. The development agreement was accompanied by certain other ancillary contracts and agreements. The development was planned so as to be divided between 3C Shelters and Orris in the proportion of 65 is to 35 respectively, namely that 3C Shelters was to have rights to allot 65% of the proposed units and Orris was to have rights to allot 35% of the proposed units to homebuyers.

11. Under the development agreement, Orris executed a Power of Attorney dated 17.01.2012 in favour of 3C Shelters, giving rights to 3C Shelters to *inter-alia* advertise, sell and collect monies towards the units in the Greenopolis project as an attorney of Orris. As per the records of the Haryana Real Estate Regulatory Authority, Gurugram ('HRERA') as on 23.01.2019 the position in relation to the units in the Greenopolis project is as follows:

Sl. No.	Description	Number of Units
1.	Total number of units	1862
2.	Total number of units allotted	1650
3.	Number of units allotted by Orris	533
4.	Units allotted by Orris for which no sale transactions have taken place	26

5.	Total number of units disposed-of by Orris	559
6.	Number of units allotted by 3C Shelters	1091
7.	Unsold units in the share of Orris	93
8.	Unsold units in the share of 3C Shelters	119
9.	Total number of unsold units	212

12. As per the above referred arrangement 65% of homebuyers were issued allotment letters by 3C Shelters and 35% were issued allotment letters by Orris, against which 3C Shelters collected Rs 776.60 crore and Orris collected about Rs 383.06 crore. It is relevant to note that the Apartment Buyer's Agreements were signed *inter-alia* by 3C Shelters *and* Orris with individual homebuyers.

13. The project is stated to have been launched sometime in 2012. Subsequently however, the project was abandoned by 3C Shelters and Orris. This court is informed that in the meantime Phase-I of the project was completed and the units in that phase were handed-over to some of the Orris homebuyers and to purchasers in the open market; Phase-II was about 60% complete and Phase-III was about 40% complete. Phase-I is claimed to have been completed 90% by 3C Shelters and 10% by Orris; and it is therefore the grievance of the 3C Shelters homebuyers that the units in Phase-I ought not to have been allotted only to Orris homebuyers and others. It is stated that only about 1650 units were allotted to homebuyers before the project was abandoned.

14. Arising from abandonment of the project, complaints were made *inter-alia* against 3C Shelters and Orris alleging that they had siphoned-off money in the Greenopolis project.

15. In 2016-2017 ED commenced investigation in the matter, which they claim has shown that both 3C Shelters and Orris had diverted and siphoned-off significant sums of money to entities that were related to them, instead of applying those funds on the project. It is contended that a sum of about Rs 214.09 crore out of the Rs. 873.83 crore collected, was siphoned-off by 3C Shelters in collusion with its group companies. Parallelly, several homebuyers also filed complaints with the Economic Offences Wing of the Delhi Police ('EOW'), which culminated in registration of FIR No. 137 of 2017 dated 24.08.2017 under sections 406/420/467/468/471/120B of the Indian Penal Code, 1860 at P.S.: EOW against 3C Shelters, Orris as well as their promoters/directors. Arising from the said FIR a chargesheet is stated to have been filed on 27.09.2019.

16. An association of homebuyers, GWA, also filed a complaint bearing No. 225/2018 dated 04.05.2018 before the HRERA seeking a direction to both 3C Shelters and Orris to complete the project and hand-over possession of the units in a time-bound manner. Considering the ambiguities involved in the matter, with consent of all concerned parties, HRERA appointed an agency, M/s Curie & Brown India Pvt. Ltd., *inter-alia* for compiling a comprehensive list of the homebuyers involved in the project.

17. In the initial proceedings before HRERA, Orris filed affidavit dated 20.07.2020 and supplementary affidavit dated 05.10.2020, committing

that they would develop and complete the project, and hand-over apartments to *all homebuyers*, namely all allottees who had given money to Orris as well as those who had given money to 3C Shelters. Taking into account the affidavits filed by Orris, HRERA ruled that Orris was the license holder for the project as well as one of the landowners, and therefore had the primary responsibility for development, construction and completion of the project, and for handing over of units to homebuyers. However, while handing-over the project to Orris to complete the same, in view of certain orders made by the Haryana Real Estate Appellate Tribunal ('HREAT'), by way of *Suo Motu* Complaint No. 2206/2020 HRERA also appointed a project monitoring committee and directed Orris to place in an escrow account the sum of about ₹52.50 crore to be applied for construction of the project.

18. At the same time, it is relevant to point-out that an entity called M/s Straight Edge Contracts Pvt. Ltd. filed an application bearing No. IB-2721/ND/2019 under section 7 of the Insolvency & Bankruptcy Code, 2016 ('IBC') before the learned National Company Law Tribunal, New Delhi ('NCLT') on 20.07.2020, claiming to be an operational creditor of 3C Shelters, and seeking action against 3C Shelters under the IBC. Pursuant to the said application, by order dated 16.10.2020 the NCLT initiated CIRP against 3C Shelters.

19. In further proceedings before the NCLT, Orris filed an application bearing No. I.A. 2902/ND/2021, in which they again committed that they would complete the project and hand-over units to *all homebuyers*, namely to 3C

Shelters and Orris homebuyers, which was recorded by the NCLT in its order dated 29.03.2022. In a subsequent *volté-face,* however, it is stated that in November 2022, Orris changed its stand before various judicial and quasi-judicial forums, to say that it would *only* give units to homebuyers who had paid money to Orris. Insofar as homebuyers who had paid money to 3C Shelters are concerned, Orris took the stand that their claims would have to be satisfied through the Corporate Insolvency Resolution Process ('CIRP') that were pending against 3C Shelters.

20. Much has happened in the proceedings before the NCLT in the meantime. *Inter-alia* the 1st Interim Resolution Professional ('IRP') was replaced by a 2nd Resolution Professional ('RP'), who (latter) was suspended by the Insolvency & Bankruptcy Board of India ('IBBI'), which led to the NCLT to appointing a 3rd IRP on 14.12.2022, who is presently in seisin of the affairs of 3C Shelters.

21. The CIRP proceedings in relation to 3C Shelters were set-aside by the National Company Law Appellate Tribunal ('NCLAT') *vidé* order dated 28.08.2023, against which appeals were filed before the Supreme Court. By its order dated 13.10.2023 passed in Civil Appeal bearing Diary No. 36252/2023 and connected matters, the Supreme Court directed all parties to maintain *status quo inter-alia* as regards the assets that are subject matter of the proceedings before the NCLT and NCLAT, namely the assets of 3C Shelters. Subsequently, *vidé* order dated 19.11.2024 the Supreme Court restored the CIRP process in respect of 3C Shelters. This court is

informed that the Supreme Court has now reserved judgement on the said batch of appeals.

22. Premised on FIR No. 137/2017 referred to above, ED has recorded an ECIR bearing No. ECIR GNZO/11/2024 dated 12.04.2024 and is now investigating offences under the Prevention of Money Laundering Act, 2002 ('PMLA') against 3C Shelters, Orris and their former promoters/directors. As part of its investigation, ED has attached various bank accounts and properties belonging to the accused persons, which attachments stand confirmed by the adjudicating authority under the PMLA *vidé* Final Attachment Order dated 23.09.2025 ('FAO').

23. A significant aspect of the matter is that in the proceedings pending before it, *vidé* order dated 17.12.2024 passed with the consent of parties, the NCLT constituted an independent monitoring committee comprising a former Judge of the Delhi High Court, a Senior Advocate, and a former Chief Vigilance Officer of a public sector bank to monitor the functioning of the IRP.

24. *Vidé* an interim report dated 08.02.2025, the monitoring committee constituted by the NCLT has recorded grave concern regarding the conduct of the IRP, observing that the IRP has acted in a biased manner, disregarding precedents and regulatory findings, and has *wrongly admitted the claim of Orris as a financial creditor* of 3C Shelters to the tune of about Rs 920 crore. According to the monitoring committee Orris is not a financial creditor of 3C Shelters and the admission of its claim by the IRP is wholly unjustified.

25. It may also be noted that, on an application filed by GWC in W.P. (C) No. 1567/2024 titled *Suresh Kumari vs. Registrar of Companies & Ors*, *vidé* order dated 25.03.2025 a learned Single Judge of this court had directed Orris to hand-over possession of units in Phase-I of the Greenopolis project to the eligible homebuyers who had made payments to Orris. This order was challenged in an LPA bearing No. 227/2025 titled *Greenopolis Welfare Association vs. Registrar of Companies & Ors.* in which an interim order dated 28.03.2025 has been passed by a Division Bench of this court directing that any allotment of units made in the meantime shall abide by the final outcome of the LPA, and that parties to the LPA proceedings shall not claim any equities. The LPA is still stated to be pending.

26. On 31.07.2025, ED filed a prosecution complaint before the learned Special Judge, PMLA (Saket), New Delhi, against 3C Shelters, Orris and their former promoters/directors. However it transpires that subsequently the PMLA Court has dropped charges against Orris by its orders dated 25.10.2025 and 22.11.2025.

27. In the course of the proceedings two associations claiming to represent the homebuyers of the project have been in the picture:

27.1. The Greenopolis Welfare Association, which was registered on 23.05.2013 under the Societies Registration Act, 1860 with the object of furthering the interests of the members/owners/allottees of the project; and

27.2. The Greenopolis Welfare Confederation, which has come to be registered much later on 04.12.2022 under the Haryana Registration & Regulation of Societies Act 2012, purportedly for the same purpose.

28. In the proceedings before the PMLA Court, GWC moved an application dated 14.10.2025 under section 8(8) of the PMLA seeking leave to intervene in those proceedings and praying for *restitution* of the assets that were attached by ED and for other reliefs; and by way of the impugned order the PMLA Court has allowed that application, thereby directing ED to release the assets attached *vidé* Provisional Attachment Order ('PAO') dated 28.03.2025 (corrected *vidé* corrigendum order dated 29.03.2025) as per rules; further directing the IRP to abide by the undertaking submitted before the PMLA Court and also permitting the IRP to liquidate the assets for purposes of restitution. It is important to point-out that there is also a second PAO dated 08.07.2025, which was also referred-to in the impugned order, but the direction in the concluding para of the impugned order is only in relation to PAO dated 28/29.03.2025.

29. For completeness it may also be recorded that *vidé* order dated 23.12.2025 in CRL. REV. P. No. 539/2025 titled *Richa Bharadwaj & Anr. vs. ED & Anr.* a Co-ordinate Bench of this court has set-aside order dated 27.11.2025, which is also the order impugned in the present proceedings, but *limited only* to the property of Richa Bharadwaj who had filed the said revision petition. By order dated 23.12.2025 the Co-ordinate Bench

remanded the matter to the PMLA Court for fresh consideration *limited to the asset* of the said party.

30. At the first hearing of W.P. (CRL) No. 2 of 2026 filed by GWC before the learned Vacation Bench on 03.01.2026, GWC had asserted that the undertaking furnished by the IRP as recorded by the Supreme Court in its order dated 20.11.2025 in proceedings filed by Vivek Suri, is final and enforceable in law *not only* in relation to Vivek Suri but also in relation to *all stakeholders* of 3C Shelters. GWC had sought from the Vacation Bench consequential orders for enforcement and implementation of the IRP's undertaking, including a direction that no proceedings be continued that are in derogation of or inconsistent with or overreaching the said undertaking. GWC had pressed for immediate steps to be taken towards restoration/restitution of the assets to the creditors/claimants of 3C Shelters. It may be noted that the IRP had offered the undertaking before the Supreme Court in an appeal filed by Vivek Suri arising from an order made by the National Consumer Disputes Redressal Commission ('NCDRC') in his consumer complaint.

31. The parties have pointed-out with emphasis that W.P. (CRL) No. 2 of 2026 filed by GWC was listed, heard, and order dated 03.01.2026 was also passed on the same day, with the learned Vacation Bench observing as follows:

> *"17. Upon considering the submissions advanced by the learned counsel for the parties and the various orders placed reliance upon, this Court is of the considered view that, in order to curtail multiplicity of proceedings and to obviate any further complications in the matter, it is*

necessary to direct that all parties to the present writ petition, as well as any third parties, shall refrain from taking any action in contravention of or in derogation of the order dated 20 November 2025 passed by the Hon'ble Supreme Court and the order dated 27 November 2025 passed by the learned Special Judge, till the next date of hearing."

32. Subsequently, GWC moved an application seeking clarification of order dated 03.01.2026, which was listed before the same Bench that had passed the said order; and *vidé* order dated 21.01.2026 the learned Bench issued the following clarification:

"21. The order dated 03rd January, 2026, is clarified to the extent that any party, related to "Greenopolis Project" would be bound by the order dated 20th November, 2026 [sic 2025]*, of Hon'ble Supreme Court and the order dated 27th November, 2025, of ld. Special Judge till the next date of hearing. As regards the submissions of the learned Counsel for the Applicant/Petitioner seeking an interpretation of the expression 'third parties' to include statutory authorities and other adjudicatory fora, including, but not limited to the NCLT, it is evident that, as a matter of settled law, all judicial and quasi judicial bodies subordinate to the Hon'ble Supreme Court are bound by its orders and cannot, nor ought to, act in derogation thereof in any manner.*

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"23. In view of the aforesaid submissions and upon due consideration thereof, all parties connected with or related to the Greenopolis Project (supra), in any capacity whatsoever, including but not limited to promoters, financiers and homebuyers, shall remain bound by this order. It is further clarified that no opinion is being expressed herein, in respect to the other judicial and quasi-judicial forums, including the NCLT or any other forum, as these in any event, are bound by the orders of the Hon'ble Supreme Court in accordance with the settled principles of judicial propriety as is evident from Article 141 of the Constitution of India. No separate order or expression of opinion in this regard is required."

33. In the meantime, despite the fact that the constitution of the Committee of Creditors ('CoC') was being examined by the NCLT, and in disregard of orders dated 13.02.2025 and 17.02.2025 passed by the NCLT by which the resolution professional was expected to await the proceedings before the Supreme Court, the IRP issued notice dated 10.01.2026 to convene a meeting of the CoC on 11.01.2026. Various resolutions came to be passed at the meeting held on 11.01.2026 *inter-alia* for sale, disposal and liquidation of the assets that had been attached by ED, purportedly for purposes of satisfying the claims of financial creditors of 3C Shelters.

34. On 25.01.2026 the IRP proceeded to issue an auction notice for one of the properties that had been attached by ED without awaiting any orders from the NCLT.

35. In this backdrop, by the way of the present judgment, apart from deciding the fate of the order dated 27.11.2025 passed by the PMLA Court, this court would also consider the desirability of appointing a monitoring committee and its remit in view of the observations of the Supreme Court in orders dated 10.04.2026 and 10.08.2026.

36. To this end, the court has heard ED, GWA, GWC, IRP, Mamta Jain, Lavender, Lotus Valley and White Lotus, as detailed below in this judgment. Though several other parties had also filed impleadment/intervention applications seeking to be heard in the matter, this court has heard Lavender, Lotus Valley and White Lotus since the said applicants have claimed ownership rights in the properties attached by ED.

Also, insofar as parties claiming to be homebuyers are concerned, this court has not individually heard such parties since their stand-point has been represented by the associations and their individual pleas would be considered by the monitoring committee that this court proposes to appoint in the matter.

37. It may be observed at this point that, though the parties had made certain prayers in their respective petitions, in the course of the present proceedings all parties have said that they seek holistic resolution of their grievances in relation to the project, and to that end, the parties have deviated somewhat from the restrictive ambit of the prayers they had made in their respective petitions.

III. SUBMISSIONS ON BEHALF OF DIRECTORATE OF ENFORCEMENT

38. Challenging order dated 27.11.2025 passed by the PMLA Court, Mr. Vivek Gurnani, learned Panel Counsel appearing for ED has drawn attention to para 30 of the said order, which reads as under:

> "*30. Therefore, in my considered view and for the reasons discussed above, the aforesaid application u/sec. 8(8) PMLA moved on behalf of applicant*[1] *stands allowed and the property attached vide provisional attachment order no. 12/2025 dated 28.03.2025 and 29.03.2025 issued by ED in ECIR bearing no. ECIR/GNZO/11/2024 is hereby ordered to be restored as per rules and the IRP is directed to abide by the undertaking submitted before this Court. Further, the properties may be disposed off by the liquidator for the purpose of restitution, in accordance with law.*"

[1] Greenopolis Welfare Confederation

39. Mr. Gurnani has submitted however that, the application filed by GWC on which the impugned order was passed was not maintainable since it suffered from inherent legal infirmities, was premature, and GWC had no locus to file such application.

40. It has also been pointed-out that no application was filed by the IRP in purported performance of what is contemplated in the IBBI Circular dated 04.11.2025 ('IBBI Circular') for restitution of the assets attached by ED. It has been submitted that the IRP only came into the picture subsequent to the filing of the application by GWC, whereby the IRP filed an undertaking in GWC's application, which did not meet the requirements of the IBBI Circular in relation to the role of the IRP.

41. Furthermore, it has been contended that, as per the IBBI Circular, the IRP is required to share the list of the beneficiaries/homebuyers/creditors before the adjudicating authority and the PMLA Court; however, no such list was provided, which raises suspicion as to the IRP's role and his commitment towards fair restitution to the actual beneficiaries.

42. It has also been pointed-out that the PMLA Court has dismissed the impleadment/intervention application filed by another homebuyers' association, namely GWA (which had claimed to represent 850 victims), while having proceeded to grant relief to GWC (which is alleged to have comprised only about 250 members). It has also been contended that the PMLA Court even failed to ascertain which of these groups actually represents genuine homebuyers of the project.

43. It has further been submitted that the PMLA Court failed to appreciate that neither GWC nor GWA had produced any affidavits of actual homebuyers to substantiate their claim that they represented any of them.

44. Learned counsel has further submitted that, under the scheme of the PMLA, the attached properties do not admit of any third-party rights unless restitution is ordered by the PMLA Court which can only be done after framing of charges; and that the power to determine the fate of attached properties can only be decided after commencement of trial as contemplated under section 8(8) of the PMLA.

45. Mr. Gurnani has also drawn attention of this court to Rule 3A of the Prevention of Money-laundering (Restoration of Property) Rules, 2016 ('PML Rules'), and in particular Rule 3A(2), which reads as under:

> ***3A. Manner of restoration of property during trial.***
>
> *(1)……*
>
> *(2) When the property referred to in sub-rule (1) is insufficient to meet the loss suffered by the claimant as a result of the offence of money-laundering, the Special Court, as it thinks fit, may pass an order of restoration of property directing the Central Government, if necessary, <u>to auction such property and disburse on a pro-rata basis in accordance with the share of loss suffered by each claimant and may give custody thereof to such claimant on his executing a bond undertaking to produce such restored property before the Special Court as and when required</u> for the purposes of sub-section (5) or sub-section (6) or sub-section (7) of section 8 of the Act.*

(emphasis supplied)

46. Answering the question as to what would happen if one or more of the attached properties is subsequently released from attachment, it has been

submitted by ED that the statutory mechanism itself safeguards the interests of all stakeholders. It has been submitted that if an attached property is restored to a claimant, in this case a victim homebuyer, such restoration is *subject to* the homebuyer executing an appropriate bond, undertaking to produce the restored property before the PMLA Court, if and when required by that court, with the aim and intent that such property can be made-over to its owner if the court so directs.

47. Mr. Gurnani has further submitted that the monitoring committee that may come to be appointed by this court, can be empowered to regulate its own procedure, while being guided by the provisions of the PMLA and the PML Rules for restoration of properties, in addition to the principles of natural justice.

48. Upon query, Mr. Gurnani has also clarified that *all properties* attached by ED in the present proceedings are properties belonging to the erstwhile promoters of M/s Three C Shelters Pvt. Ltd.; and *none* of these properties is part of the assets of the Corporate Debtor *viz.,* 3C Shelters. In support of this submission, learned counsel has drawn attention to the prosecution complaint, which sets-out the names of the persons to whom the attached properties belong.

49. *Apropos* what had transpired before the Supreme Court in certain related proceedings, Mr. Gurnani has referred to the directions issued by the Supreme Court *vidé* order dated 10.04.2026, and in particular to paras 6 and 8 of the said order, which have been extracted above.

50. It has been submitted that the learned ASG appearing for ED had suggested to the Supreme Court that a monitoring authority be appointed, and ED therefore supports such step. It has further been submitted that the monitoring authority be empowered to take all required steps towards restoration of properties attached *vidé* PAO No. 12/2025 dated 28/29.03.2025 and PAO No. 20/2025 dated 08.07.2025 to ED in terms of section 8(8) of the PMLA.

51. Mr. Gurnani has further submitted that in exercise of its powers under Article 226 of the Constitution, this court possesses ample power to constitute a committee and to invest such committee with the power to take account of, manage, and if necessary, dispose-of the assets of the concerned entities attached by ED for the purpose of enabling restitution to the claimants/homebuyers, and that such power is not confined to, or exercisable solely by, the machinery under PMLA.

52. In this regard, Mr. Gurnani has placed reliance on order dated 05.05.2015 passed by the Calcutta High Court in ***M.P.S. Greenery Developers Ltd. vs. Bhaskar Dasgupta & Ors.***,[2] wherein, in exercise of its writ/appellate jurisdiction, the High Court appointed a committee and vested it with the power to take-over, manage and deal with the properties/assets of the concerned group of companies, for the purpose of ensuring restitution to defrauded claimants in proceedings emanating under the Securities and Exchange Board of India Act, 1992.

[2] Order dated 05.05.2015 in M.A.T. 559/2015 with CAN 3608/2015

53. Learned counsel has further placed reliance on a similar course adopted by the Calcutta High Court in ***Rose Valley Real Estates & Constructions Ltd. & Anr. vs. State of West Bengal & Ors.***,[3] in which case also certain properties were attached by ED under PMLA, wherein again, the High Court constituted a committee headed by a former Judge of that court and comprising two other members, to inquire into and take control of the properties of the Rose Valley group of companies, to auction such properties and disburse the sale proceeds to the investors/depositors. On the remit of the committee, the Calcutta High Court observed:

> "*The Committee shall initially sell the assets of the petitioner which are situated in West Bengal as mentioned at page 45 of the writ petition. The assets will be sold by public auction so that the best possible price is fetched. The assets may be sold by private treaty, if the intending purchaser can match the highest price obtained in the public auction. The auction should be well-publicized in the newspapers. The expenses incidental to such public auction shall be borne by the petitioner. Initially a sum of Rs.5 lakhs shall be deposited by the petitioner with the Committee which will form the corpus out of which the expenses relating to the auction will be met. The detailed modalities of carrying out the exercise will be worked out by the Committee. The decision of the Chairman will be final. The sale proceeds shall be deposited in a separate account to be opened in the names of the members of the Committee. No disbursement shall be made from out of the sale proceeds without the leave of the Court.*
>
> "*The Committee shall be entitled to take assistance of all the authorities and agencies and in case, any such authority or agency is approached, it shall extend full cooperation to the Committee. The Committee shall bear in mind that the whole object of the entire exercise*

[3] Order dated 11.05.2015 in W.P. No. 275 of 2015

is to obtain the best possible price for the assets of the petitioner which are to be disposed of. The interest of the intending purchasers should also be protected and the Committee shall ensure that the purchasers get clean title to the properties they purchase.

"*Before advertisements are published in the newspapers for sale of the properties, the same should be valued by a Valuer, empanelled with this Court and a reserve price should be fixed.*

"*The sale of the assets will be subject to confirmation by this Court.*

* * * * *

"*What have been stated above, are merely broad guidelines for the purpose of carrying out the exercise of disposal of the assets of the petitioner situated in West Bengal. The detailed procedure and modalities, I repeat, will be worked out by the Committee. In case the Committee faces any difficulty, it shall be at liberty to approach this Court for appropriate orders.*

"*The Committee is directed to file an interim report before this Court after three months of the communication of this order to the members of the Committee.*"

54. It has been submitted that various High Courts have, over the course of several proceedings, continued to exercise and develop this jurisdiction, including by permitting an appointed committee to take-over and disburse monies accruing from properties attached by ED by authorising the auction of such properties. It is further submitted that adoption of such processes has resulted in restitution of attached assets to the claimants, notwithstanding the pendency of the underlying proceedings under the PMLA.

55. Accordingly, it has been ED's submission that a similar committee may be constituted in the present matter, with appropriate authority to take

possession of, manage and, where necessary, auction or otherwise dispose-of the attached assets. Learned counsel has further submitted that the above-referred instances demonstrate that the power of a High Court under Article 226 of the Constitution to appoint such a committee, and to empower it to dispose-of property for purposes of restitution, is independent of, and unaffected by, any special statutory mechanism under PMLA.

56. Attention has also been drawn by ED to the Supreme Court decision in ***Bandhua Mukti Morcha vs. Union of India***[4] wherein the Supreme Court categorically held as follows:

> *"14. ... ... Now it is true that Order 46 of the Supreme Court Rules, 1966 makes the provisions of Order 26 of the Code of Civil Procedure, except Rules 13, 14, 19, 20, 21 and 22 applicable to the Supreme Court and lays down the procedure for an application for issue of a commission, **but Order 26 is not exhaustive and does not detract from the inherent power of the Supreme Court to appoint a commission, if the appointment of such commission is found necessary for the purpose of securing enforcement of a fundamental right in exercise of its constitutional jurisdiction under Article 32**. Order 46 of the Supreme Court Rules, 1966 cannot in any way militate against the power of the Supreme Court under Article 32 and in fact Rule 6 of Order 47 of the Supreme Court Rules, 1966 provides that nothing in those Rules "shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice.*
>
> *…….*
>
> *"15. **We may point out that what we have said above in regard to the exercise of jurisdiction by the Supreme Court under Article 32 must apply equally in relation to the exercise of jurisdiction by the High***

[4] (1984) 3 SCC 161

<u>Courts under Article 226, for the latter jurisdiction is also a new constitutional jurisdiction and it is conferred in the same wide terms as the jurisdiction under Article 32 and the same powers can and must therefore be exercised by the High Courts while exercising jurisdiction under Article 226. In fact, the jurisdiction of the High Courts under Article 226 is much wider, because the High Courts are required to exercise this jurisdiction not only for enforcement of a fundamental right but also for enforcement of any legal right</u> *and there are many rights conferred on the poor and the disadvantaged which are the creation of statute and they need to be enforced as urgently and vigorously as fundamental rights."*

(emphasis supplied)

57. Drawing upon the principle laid down by the Supreme Court in *Bandhua Mukti Morcha*, learned counsel for ED has submitted that Rule 3A of the PML Rules does not circumscribe or oust the jurisdiction of this court under Article 226 of the Constitution. It has been argued that Rule 3A, by its own terms, governs applications for restoration filed *only* before the Special Court constituted under the PMLA, and is confined to that forum alone. It contains no language, express or implied, excluding or curtailing the independent constitutional powers of this court to grant analogous relief in exercise of its writ jurisdiction. It has been submitted that a delegated rule framed under a statute cannot restrict the plenary constitutional powers of this court under Article 226, which powers exist outside of, and above, the statutory scheme of the PMLA. It is therefore the submission that this court is not denuded of the power to appoint a committee and to empower it to take possession of and dispose-of the

attached assets to enable restitution, merely because Rule 3A prescribes a procedure which applies to proceedings before the PMLA Court.

58. It has been submitted that all concerned parties, including GWA, GWC, IRP and other stakeholders may agitate their *inter-se* issues regarding other properties and claims before appropriate forums. Mr. Gurnani has assured that ED will provide all the required assistance to the monitoring authority.

IV. SUBMISSIONS ON BEHALF OF GREENOPOLIS WELFARE ASSOCIATION

59. Mr. Krishnan Venugopal, learned senior counsel and Ms. Pooja Mahajan, learned counsel appearing for GWA have made the following submissions in the matter:

59.1. It has been submitted that they are a HRERA-recognized homebuyers' association, which was set up in 2013, and comprises 710 out of 1091 3C Shelters homebuyers and 167 out of 559 Orris homebuyers. On the other hand, it is stated that, to begin with GWC was registered with only 07 members, 05 of whom were not homebuyers. GWC's President and Secretary are stated to be connected and related to Orris and their promoters, apart from having been directors in some 17 Orris group companies. It is GWA's contention that GWC has been set-up only as a counter-measure to frustrate the efforts of the GWA and its homebuyers members. It has accordingly been submitted that GWA is the *bona fidé* homebuyers' representative and not GWC.

59.2. It has also been submitted that the filing of the application by GWC before the PMLA court was a wholly misconceived exercise; and that the IRP and GWC have been acting in tandem by suppressing material facts before various forums.

59.3. It has been argued that, as a matter of fact, the NCLT had passed multiple orders directing the IRP not to act; despite which, however, the IRP proceeded to convene meetings of the CoC and has admitted Orris, which was the licensee and collaborator in the project, as a financial creditor with a 75% voting interest in the CoC.

59.4. It has been argued that the IRP had also misrepresented the case of the homebuyers before the Supreme Court, which was an appeal filed by an individual homebuyer, Vivek Suri, in a consumer complaint before the NCDRC; and has subsequently misrepresented that the Supreme Court order dated 20.11.2025 passed in relation to Vivek Suri as an order *in rem*, which the IRP falsely claims is applicable to all homebuyers. Furthermore, it has been argued that, in the proceedings before the PMLA Court, the IRP very curiously *suo-motu* furnished an undertaking, assuring the restitution of the assets siphoned-off from 3C Shelters, culminating in the passing of order dated 27.11.2025 by that court. It has been submitted that, by way of their writ petition, the GWC is now seeking execution or enforcement of orders passed by the Supreme Court and the PMLA Court, as it were, by way of writ proceedings.

59.5. It has been argued that, in a collusive attempt to obtain orders behind the back of genuine homebuyers and in order to make the remedies of homebuyers infructuous, GWC and the IRP have misleadingly obtained from this court order dated 03.01.2026, in a surreptitious and hurried fashion during court vacations on a Saturday, based on gross misrepresentation. It has been pointed-out that an order dated 21.01.2026 was also obtained from this court without genuine homebuyers being heard in the matter.

59.6. In these circumstances, it has been submitted that it is necessary to appoint a monitoring committee so as to give expeditious and tangible relief to genuine homebuyers who have paid money to 3C Shelters or to Orris.

59.7. It has been submitted that broadly, the scope of the function to be assigned to the monitoring committee is to verify as to who the genuine homebuyers from 3C Shelters and Orris are; and to put the attached assets of the former promoters of 3C Shelters to auction; and place the auction proceeds in an escrow account to be administered and applied by the monitoring committee towards completion of the project and/or for payment of money to the genuine aggrieved homebuyers. Learned counsel have emphatically submitted that, as a matter of choice, members of GWA do not want restitution in terms of money but want the homes that they had booked and paid-for years ago.

59.8. So far as the role of the IRP or the CoC is concerned, learned counsel for GWA have submitted that the role of the said two entities has come under serious question in the proceedings before the NCLT and the NCLAT as well as before the PMLA Court. It has been pointed-out, that as the record would show, the actions of the IRP have been deprecated both by the NCLT and the NCLAT, as well as by the monitoring committee appointed by the NCLT. Furthermore, insofar as the CoC is concerned, the constitution of the CoC is itself under challenge in various proceedings pending before the NCLT and the CoC therefore has no credibility or standing to participate in the proceedings before the monitoring committee.

59.9. Besides, it has been argued that the IRP and the CoC have no role whatsoever before the proposed monitoring committee also for the reason that the committee would be appointed by this court in relation to matters that arise under the PMLA; and the functioning of the committee would have nothing to do with the CIRP proceedings pending under the IBC.

59.10. It has therefore been GWA's submission that considering the conduct of the IRP and the CoC, they ought not to be allowed to participate in the process and proceedings before the monitoring committee.

59.11. It has further been submitted that the insolvency process under the IBC is distinct from the regime under the PMLA; and the monitoring committee proposed to be appointed would only be called upon to perform the assigned role under the PMLA regime and not any role in the CIRP which is still pending before the NCLT.

59.12. Attention of the court has been drawn to the provisions of section 8 of PMLA, which section *inter-alia* provides that a claimant who establishes that he has a legitimate interest in an attached property, who may have suffered a quantifiable loss as a result of money laundering; who has acted in good faith; has suffered loss despite having taken all reasonable precautions; and is not himself involved in the offence of money laundering, may seek restitution of the attached property or of the value of the attached property.

59.13. It has been argued that only the original 3C Shelters homebuyers, who have together paid about Rs. 873.83 crore to 3C Shelters, can claim to satisfy the said conditions. It has been contended that 3C Shelters, namely the company which was the vehicle for siphoning off the homebuyers' funds itself, can never be said to satisfy any of those conditions. As a consequence, the IRP of 3C Shelters also cannot have any role before the monitoring committee.

59.14. It has further been argued that the statutory procedure prescribed under Rule 3A(2) of the PML Rules contemplates action only by the Central Government for auctioning attached properties and for disbursal of the sale proceeds *not* by an insolvency professional. On the purport of the IBBI Circular, by which an insolvency professional has been permitted to file an application seeking restoration of attached properties, learned counsel have pointed-out that what the said circular contemplates is applicable only to the *assets of a corporate debtor* that are attached and not to assets of third parties like former promoters of 3C Shelters.

59.15. It has been contended that in the present case, the attached assets that are subject matter of these proceedings are *not* assets of the corporate debtor, namely 3C Shelters, but are assets of the former promoters of the corporate debtor; and the monitoring committee would be assigned a role only in relation to such assets. For the sake of abundant clarity, it has been pointed-out that section 18(1)(f) of the IBC provides that the IRP is to take control and custody of the assets over which the corporate debtor has ownership rights; and there has never been any contention that the assets attached by ED are not the assets of the corporate debtor.

59.16. It has been emphasised that the IRP has no *locus* to demand that he be placed in charge of assets that do not belong to 3C Shelters since his role is restricted only in relation to the assets and affairs of the company undergoing CIRP. In a nutshell, the submission has been that the IRP can make no claim to the assets of anyone *other than* the corporate debtor.

59.17. It has been argued with vehemence that both the IRP as well as the CoC are controlled by Orris and if a role is assigned to the IRP before the monitoring committee, he would only guard the interests of Orris which has a 75% voting share in the CoC.

59.18. It has further been submitted that in its interim report dated 08.02.2025 the monitoring committee set-up by NCLT to oversee the functioning of the IRP has categorically observed that the IRP has acted in a biased manner, favouring Orris, and has in fact recommended the removal of the IRP. Besides, some 280 applications are stated to be pending in the NCLT against the IRP, several of which seek his removal.

59.19. It has also been pointed-out that NCLAT has issued notice of contempt against the IRP for having acted without taking approval of the NCLT.

59.20. Drawing attention to the fact that ED investigation is still underway and ED has only attached assets worth about Rs 509.47 crore out of the identified amount of Rs 873.83 crore, which is stated to have been collected from 3C Shelters homebuyers, learned counsel for GWA have submitted that it would be premature and prejudicial to homebuyers to commence restitution of assets at this stage, and the better course of action would be to deposit the money generated from the sale of the attached assets in an escrow account.

59.21. Learned counsel have also cited other similar cases relating to *Amrapali Builders*[5] and *Unitech Ltd.,*[6] to submit that in those cases the Supreme Court has said that homebuyers must be provided

[5] Bikram Chatterji vs. Union of India, (2019) 19 SCC 161

[6] Bhupinder Singh vs. Unitech Ltd., Civil Appeal No. 10856/2916 (multiple orders)

homes and their right cannot be restricted to receiving compensation alone.

59.22. Arising from the aforesaid submissions learned counsel for GWA have assured their full cooperation to the proposed monitoring committee.

V. SUBMISSIONS ON BEHALF OF GREENOPOLIS WELFARE CONFEDERATION

60. Mr. Ramji Srinivasan, learned senior counsel and Mr. Tanmaya Mehta, learned counsel appearing for GWC, have made detailed submissions on behalf of GWC, which are summarised below:

60.1. It has been submitted that GWC is an association of claimants of 3C Shelters in relation to the project, which was to be developed and constructed by 3C Shelters at its own cost on land provided by the owner of the land and licence holder, Orris. It has been submitted that the claimants paid substantial amounts to 3C Shelters towards their units in the project but were cheated of their monies by the defaulting promoters of 3C Shelters.

60.2. It has been submitted that the members of GWC have been defrauded by 3C Shelters and its ex-management *viz*., Mr. Nirmal Singh, Mr. Surpreet Singh Suri and Mr. Vidur Bhardwaj, who have committed large-scale fraud and siphoned-off thousands of crore. It has been submitted that the members of GWC had invested money with 3C Shelters based on the assurance that they would be allotted residential units in the project; but that assurance turned out to be false, since instead of deploying funds for construction and completion of the project, the collected amounts were illicitly siphoned-off to various related and associated entities of the promoters.

60.3. It has further been submitted that 3C Shelters, as the corporate debtor, is presently undergoing CIRP and more than 1020 claimants have so far been verified by the IRP. It has submitted that the CoC has been constituted and the IRP has identified the siphoned-off assets. It has been contended that the status reports of the IRP form part of the 'relied upon documents' by ED in its prosecution complaint, and therefore, the attached assets also constitute the presently available asset-pool from which meaningful restitution to victims can be affected.

60.4. It has also been argued on behalf of the GWC that 'restitution' by its very nature is the 'restoration' of a thing to the position in which it earlier stood; and it does not contemplate the creation of something that never existed, nor the specific performance of agreements to bring such a thing into being. It has been submitted that GWA's plea that the monies recovered on restitution *be applied to construction* is therefore entirely foreign to the scheme of the PMLA; and a PMLA Court cannot supervise the performance of executory contractual obligations. Furthermore, GWC's argument is that there is neither a standard nor a machinery by which the

PMLA Court could be converted into a civil court or to an insolvency court, for adjudicating the performance of contracts.

60.5. It has accordingly been contended that GWA's claim that proceeds of the liquidated assets should be applied for construction of flats is wholly outside the remit of the PMLA Court. It has been submitted that 3C Shelters does not have any asset, nor any land parcel where flats can be constructed; and what the GWA is seeking is annulment of the findings of the NCLT, usurping the jurisdiction of the CoC and the NCLT, to decide the course of resolution of the corporate debtor and the enforcement of obligations, all of which are executory and *in futuro*. It has been submitted that the second proviso to section 8(8) of the PMLA is concerned only with restoration *i.e.*, with returning to the financial claimants the monies of which they were cheated.

60.6. It has also been submitted that this court is not a creature of the PMLA; and Rule 3A of the PML Rules cannot bind a constitutional court when exercising its plenary jurisdiction under Article 226 of the Constitution. It is GWC's argument that this court is entitled to exercise its power under Article 226 to achieve the objective of section 8(8) of the PMLA and is not fettered by subordinate legislation, namely the PML Rules, which cannot regulate the procedure of this court, since any such prescription would itself be unconstitutional. It has also been argued that it is the legislative policy embodied in section 8(8) of the PMLA, that restoration to the rightful claimant is permissible even before conviction and confiscation.

60.7. That being said, at the same time it has been argued on behalf of GWC, that the assets attached by ED *on the principle of equivalence must also be treated as assets of the corporate debtor*, notwithstanding that the title to such assets stands in the name of some other person/entity. It is GWC's contention that since it is an admitted fact that the corporate debtor's monies were siphoned-off and dissipated, and that ED has attached some of the properties on the doctrine of equivalence, for that very reason the expression 'assets of the corporate debtor' would *also* denote the monetary corpus which existed before the siphoning and *not just* the bare shell left behind after the promoters of 3C Shelters had emptied-out the company.

60.8. It has been submitted on behalf of GWC that the IBC expressly contemplates that assets siphoned out of a corporate debtor be brought back into its fold during the resolution process, and accordingly, under the scheme of the IBC the monetary equivalent of the cheated assets even without an exact tracing would also form part of the estate of the corporate debtor. It has been submitted that therefore any funds restituted are governed by the procedure of the IBC, and are also subject to the wisdom of the CoC and the successful resolution applicant.

60.9. Additionally, it has been submitted that section 52 of the Transfer of Property Act 1882, *i.e.,* the doctrine of *lis-pendens*, has provided for such circumstance ever since, namely that alienation of property during the pendency of a *lis* is subject to the outcome of the *lis*. It has been submitted that a plaintiff suing for immovable property may not always obtain an interim stay; and the property that is subject of the litigation may come to be sold or liquidated in the interregnum; and in such cases, the court moulds the relief at the end of the suit. The argument on behalf of GWC has been that involvement of immovable property is not by itself a ground for a stay in every case, and for the same reason, Rule 3A of the PML Rules permits attached property to be restored, *subject however to* requiring a claimant to furnish a bond, the very purpose of which is to secure the owner against the liquidation, if the liquidation is later found to have been wrongful. It has further been submitted that whether money is adequate recompense for an immovable property wrongfully liquidated, is a question the legislature has itself answered, as a matter of policy in section 8(8) of the PMLA read with PML Rules.

60.10. Without prejudice to the aforesaid contentions however, and on a suggestion from this court, lastly it has been submitted that GWC has placed on record its written consent that if this court appoints a committee headed by a retired Judge of Supreme Court, in place of the IRP to liquidate the assets and restore the monies to the cheated financial claimants, such course would be acceptable to GWC.

60.11. While concluding their submissions, GWC has placed on record a copy of an e-mail communication signed by their Secretary, which affirms that GWC is agreeable to the appointment of a monitoring committee with the following scope of work:

> "*2. Without prejudice to its rights and contentions in W.P.(Crl.) No. 2 / 2026 and the connected matters arising from challenge to the order dt. 27.11.2025 of the Ld. Special Court, PMLA, and only with a view to assist the Hon'ble High Court to dispose of the said batch of matters by issuing directions with the consent of all parties and in the interest of all homebuyers / stakeholders, GWC submits that it has no objection to, and consents to the following directions being issued towards disposal of the said batch of matters:-*
>
> > *(i) That a Monitoring Committee comprising a retired Judge of the Hon'ble Supreme Court of India be constituted for carrying out the process of restitution in favour of all Greenopolis allottees / claimants.*
> >
> > *(ii) That the claims of the genuine claimants/buyers be verified, so that only bona fide and duly verified claimants participate in the restitution process, and that GWC be permitted to assist in and be heard in the said process of verification;*
> >
> > *(iii) That the Monitoring Committee, with the aid and assistance of ED, shall take control of the assets – i.e. control, custody and possession of the assets attached by the ED, so as to preserve and protect the same from alienation encumbrance or dissipation;*
> >
> > *(iv) That the said assets be liquidated / monetised for the purpose of restitution to the verified. claimants, and the amounts becoming available from the liquidation/ monetisation process be deposited in an Escrow Account*

so as to constitute the pool for restitution, and thereafter be disbursed to the verified allottees / claimants."

VI. SUBMISSIONS ON BEHALF OF INTERIM RESOLUTION PROFESSIONAL

61. Mr. Mahesh Jethmalani, learned senior counsel and Ms. Kanika Singhal, learned counsel appearing for the IRP have submitted as follows:

61.1. It has been submitted that the undertaking dated 17.11.2025 was furnished by the IRP not only pursuant to the IBBI Circular but also in consonance with Press Release dated 05.11.2025 issued by ED itself, wherein it is said that ED would take proactive steps to support successful resolution of companies under the IBC by enabling restoration of assets earlier attached under the PMLA, with the object of maximising value for creditors including banks and homebuyers. It has been submitted that the said notification records that strict enforcement under the PMLA and value maximisation under the IBC are not conflicting objectives, and that a standard undertaking to be filed by Insolvency Professionals before the PMLA Court had been finalised and circulated by the IBBI for that very purpose. It has accordingly been submitted that the course adopted by the IRP is one that is expressly contemplated and facilitated by ED's own notification.

61.2. It has submitted that the IRP's conduct throughout has been guided by, and remains consistent with, the undertaking dated 17.11.2025 furnished by him to the PMLA Court, which was taken on record by the Supreme Court *vidé* its order dated 20.11.2025 and which also forms the basis of order dated 27.11.2025 passed by the PMLA Court. It has been submitted that the IRP continues to stand by the said undertaking in its entirety, and has at every stage, sought to give effect to it.

61.3. It has further been argued that the allegations of bias levelled against the IRP by GWA and by the intervenors in the present proceedings are baseless and are categorically refuted. It has been submitted that the observations of the monitoring committee constituted by the NCLT, as recorded in its interim report dated 08.02.2025, are yet to attain finality, since they are subject matter of challenge before the NCLAT and have not been tested or adjudicated upon on merits by any competent forum.

61.4. It has been submitted that the pendency of over 280 applications before the NCLT, several of which seek the IRP's removal, is unremarkable given the scale and contentiousness of the underlying insolvency proceedings; and the mere pendency of such applications cannot be treated as a finding of misconduct against the IRP. Similarly, it has been submitted that the contempt notice issued by the NCLAT to the IRP remains only at the stage of notice, and no final finding of any contumacious conduct has been recorded against the IRP by any forum as of date. It has been submitted that these matters lie squarely within the domain of the NCLT/NCLAT and this court ought not to enter upon or prejudge issues that are *sub-judice* before the forums under the IBC regime.

61.5. It has further been submitted that the allegations levelled against the IRP do not survive scrutiny, inasmuch as by a detailed order dated 17.12.2024, the NCLT has rejected all contentions raised against the IRP and has held that the IRP acted in complete conformity with law, and in fact discharged his functions with the required responsibility and magnanimity, there being nobody else to take responsibility for the corporate debtor. It has been submitted that the said order came to be challenged by GWA before the NCLAT, but the appeal was withdrawn *vidé* order dated 06.03.2025, thereby abandoning all allegations made against the IRP. It has been submitted that, in these circumstances, the challenge to the IRP's conduct stands concluded against those who raised it, and cannot be reopened before this court.

61.6. It has been pointed-out that pursuant to orders of the NCLT and the NCLAT, the IRP has prepared and submitted detailed status reports identifying the homebuyers/claimants, the siphoned-off funds, and the assets created therefrom, and that ED's own PAOs dated 28/29.03.2025 and 08.07.2025 have proceeded substantially on the strength of the very assets identified through the IRP's investigative work.

61.7. It has been submitted that therefore verification of genuine claimants has already been undertaken by the IRP pursuant to order dated 26.05.2023 passed by the NCLT and order dated 19.07.2023 passed by the NCLAT, and that Status Report-1 prepared in that behalf forms part of the Relied Upon Documents annexed by ED to its prosecution complaint. It has been submitted that, while the IRP is not averse to any *further verification exercise*, but any fresh verification would, in substance, be an empty formality which would only delay the restitution process to the prejudice of the very homebuyers it is intended to protect.

61.8. It has been submitted that, on the strength of the assets identified through the IRP's investigative work, ED has proceeded to attach properties by way of its PAOs dated 28/29.03.2025 and 08.07.2025, and that the remit of the monitoring committee may be so fixed as to enable the authority to take control and possession of the assets so enlisted, as also of other assets under investigation and attachment as directed by the PMLA Court *vidé* order dated 27.11.2025. It has been submitted that the remit of the monitoring committee may also extend to the appointment of Government-approved valuers and process advisors, the issuance of public notices, the taking of steps for auction, the opening of a dedicated escrow account, the preparation of a final list of verified and eligible claimants, and the expeditious disbursement to such claimants.

61.9. It has been submitted that in these circumstances, it would be counter-productive and wasteful to exclude the IRP altogether from a role before the monitoring committee, which committee would stand to benefit from having the IRP's status reports and valuation reports placed before it. It has been pointed-out that the IBBI Circular, pursuant to which the undertaking dated 17.11.2025 was furnished by the IRP to the PMLA Court, was itself intended to enable coordination between the IBC and PMLA regimes for the specific purpose of expediting restitution to genuine homebuyers; and this object would be defeated if the IRP were shut-out completely from the process.

61.10. It has been submitted that, insofar as the query raised by this court in its order dated 15.05.2026 regarding payment of the fee and expenses for functioning of the monitoring committee is concerned, the corporate debtor, namely 3C Shelters, holds four operational bank accounts with Axis Bank, of which account bearing No. 915020048715158 carries a positive balance of approximately Rs. 43 lacs, which funds may be utilised towards payment of the fee of the monitoring committee.

61.11. Learned counsel for the IRP have further submitted that section 8(8) of the PMLA confers discretionary power upon the PMLA Court to direct restoration of attached property to a claimant, but such restoration does not follow as a matter of course merely upon the claimant establishing loss. It has been argued that the second proviso to section 8(8), which qualifies the power of restoration, would be attracted only where some collusion is shown between the persons alleged to have committed the offence of money laundering and the claimant/homebuyer. It is submitted that no such collusion is alleged or made-out in the present case.

61.12. Subject to their submissions, the IRP has not opposed the setting-up of a monitoring committee; and, in fact, has welcomed the same as a means of bringing finality and closure for the homebuyers in relation to the project. It has also been clarified that, as per the IRP, the assets attached by ED should be dealt with strictly in accordance with the provisions of section 8(8) of the PMLA and Rule 3A(2) of the PML Rules under the supervision of the monitoring committee.

VII. SUBMISSIONS ON BEHALF OF MAMTA JAIN

62. Mr. Kanu Agrawal, learned counsel appearing on behalf of the intervenor, Mamta Jain, whose application for impleadment/intervention stands allowed by the Supreme Court *vidé* order dated 10.04.2026, has, at the outset submitted that once parties have invoked the provisions of the PMLA and adopted the forum of the PMLA Court for seeking restitution, they must proceed under that statute and ought not to be permitted to resort to the procedures available under the IBC. It has been submitted that the IRP's role is restricted to proceedings under the IBC, and therefore, regardless of the fact that the IRP has purported to file an undertaking based on the IBBI circular, neither the circular nor the undertaking can override the statutory mechanism prescribed for restitution under PMLA. It has been submitted that the writ petition filed by GWC, insofar as it

seeks to enforce what is, in substance, the undertaking furnished by the IRP, is not maintainable.

63. In this regard, it has been submitted that the IBC and the PMLA operate in materially different fields. It has been pointed-out that the IBC is concerned with *resolution of the affairs of the corporate debtor,* and is not, in its essential character, a mechanism for *recovery by individual creditors.*[7] On the other hand, the PMLA provides a statutory mechanism for attachment and restitution of proceeds of crime to legitimate claimants under section 8 read with the rules framed thereunder. It has been submitted that restoration under the PMLA is directed towards *recompensing persons who have suffered loss,* and while the PMLA is a penal statute, attachment and restoration constitute its civil-law incidents. It has therefore been submitted that, having invoked and chosen the mechanism of the PMLA, GWC and the IRP cannot now seek to have the restitution process governed by the IBC.

64. Mr. Agrawal has further submitted that the contention that, upon an application under section 8(8) of the PMLA being made, restitution may thereafter proceed under the IBC, is erroneous. It has been submitted that the IBC cannot be permitted to displace the statutory mechanism specifically provided under the PMLA for restitution. It has been submitted that the IBBI Circular relied upon by GWC and the IRP merely enables the Resolution Professional *to participate* in the proceedings

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[7] Dhanlaxmi Bank Ltd. vs. Mohd. Javed Sultan (2026) 267 Comp Cas 121, para 8

before the Special Court but does not displace the statutory procedure prescribed under the PMLA. It has further been submitted that Rules 3 and 3A of the PML Rules contemplate claims by *"claimants"* asserting a legitimate interest in the attached property, and not by "*financial creditors*" in the sense in which that expression is employed under the IBC.

65. Learned counsel has submitted that in the present proceedings, GWC has proceeded on an erroneous premise in describing the persons entitled to restitution as "financial creditors" whereas the PMLA speaks of "claimants" in that behalf. It has been argued that a person who has suffered loss, and has a legitimate interest in the attached property sought to be restored, may therefore fall within the statutory concept of a *claimant irrespective* of whether such person answers the description of a *financial creditor* under the IBC. It has further been submitted that the rules referred-to in the operative part of the impugned order are the PML Rules and not rules framed under the IBC.

66. On the question of the competing *non-obstanté* clauses, learned counsel has submitted that section 238 of the IBC and section 71 of the PMLA each contain a *non-obstanté* clause but the existence of such clauses does not obviate the requirement of harmoniously construing the two enactments and ascertaining whether there is, in fact, any irreconcilable inconsistency between them. It has been argued that if two enactments operate in different fields and are directed towards different purposes, each ought to be permitted to operate within its own field. Reliance has been

placed on the "dominant purpose" test, as enunciated by the Supreme Court in ***State Bank of India vs. Union of India***.[8] It has been submitted that the IBC cannot be read in a manner that makes inroads into the sovereign function of the State under the PMLA.

67. It has further been submitted that the present proceedings concern *restoration* under the PMLA and not *resolution* under the IBC and that the Special Court constituted under the PMLA cannot exercise powers under the IBC, just as the NCLT cannot exercise powers under the PMLA.

68. Learned counsel has further submitted that the expression "property of the corporate debtor" under section 18 of the IBC cannot be confused with the definition of "proceeds of crime" under section 2(1)(u) of the PMLA; and that the latter operates upon a materially wider field. The limitations arising from questions of ownership and title in determining the assets of a corporate debtor under the IBC do not hinder the power of attachment of proceeds of crime under the PMLA. Learned counsel has submitted that the PMLA is therefore capable of creating a substantially wider pool of assets for the purposes of restitution than the IBC.

69. Responding to the submission made on behalf of GWC and the IRP that the IRP has already undertaken the process of identification and verification of the assets and creditors, Mr. Aggarwal has submitted that the position of the IRP himself is under cloud and that applications concerning his continuation as IRP are pending before the concerned

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[8] (2026) 5 SCC 693, paras 84 to 91

authorities. It is submitted that, more significantly, the IRP's position is under challenge *inter-alia* in relation to the identification of assets and creditors undertaken by him, and the allegation is that the IRP has acted in a partisan manner, and the identification process undertaken by him is erroneous, both legally and factually. In any event, it has been submitted that merely because the IRP has undertaken such process does not confer upon him any statutory role in the PMLA proceedings for restitution.

70. Learned counsel has further pointed-out that the properties presently attached are inadequate to secure restitution to all homebuyers. It has been submitted that more than Rs. 873 crore was collected from 3C Shelters homebuyers and that the present value of that amount, with interest, would be approximately Rs. 2000 crore, whereas the assets presently attached are believed to be worth only about Rs. 400 crore.

71. On the question of Orris being treated as a "financial creditor", learned counsel has submitted that the definition of "financial debt" requires the debt to be advanced against consideration for the time value of money, whereas in the present case, Orris is a co-developer, which received consideration from 3C Shelters towards its share in the project.[9] It has been submitted that recognising Orris as a financial creditor has the consequence of conferring upon Orris a dominant position in the CoC, with corresponding influence over the IRP/RP and on all decisions taken under the IBC. Learned counsel has submitted that, if restitution were to

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[9] Noida vs. Anand Sonbhadra, (2023) 1 SCC 724 paras 83 to 90

proceed through the IBC mechanism, the process would effectively come under the control of Orris, notwithstanding the fact that Orris is one of the principal accused in the PMLA proceedings.

72. Insofar as the setting-up of a monitoring committee is concerned, Mr. Agarwal has submitted that the applicant does not oppose the setting up of such committee for the purposes envisaged nor does the applicant object to the attached properties being valued and disposed-of *provided* the proceeds are utilised for construction of flats, and not for being disbursed to the claimants in money.

73. Mr. Agrawal has submitted that the IRP ought not to have any role in the proceedings before the monitoring committee. It has been submitted that restoration of the attached properties ought to proceed strictly in accordance with section 8(8) of the PMLA and the PML Rules.

74. Learned counsel has further submitted that the restitution process ought to proceed sequentially, with identification of genuine claimants being undertaken first and monetisation of the attached assets thereafter. It has been submitted that the monies so realised ought to be utilised towards construction and completion of the flats in the project, so that the genuine homebuyers may ultimately receive the homes for which they have paid. It has further been submitted that, with adequate augmentation of the pool of attached assets, completion of the project is not an impossibility.

75. Mr. Aggarwal has submitted that W.P. (CRL) No. 2 of 2026, insofar as it seeks enforcement of the undertaking furnished by the IRP through the writ jurisdiction of this court, is not maintainable and deserves to be

dismissed; and consequently the interim orders passed therein deserve to be vacated.

76. It has further been submitted that the contempt petitions founded upon the same premise are also not maintainable and deserve to be dismissed *in limine*. As regards the undertaking furnished by the IRP before the Supreme Court and the PMLA Court, Mr. Aggarwal has submitted that the writ jurisdiction of this court cannot be *converted into an executing jurisdiction* for enforcement of an order of the Supreme Court or of the PMLA Court. It has been pointed-out that the undertaking arose in proceedings concerning an individual homebuyer and did not constitute an adjudication of rights or a declaration of law binding upon all homebuyers of the project. It has been submitted, that a consent order only binds the parties thereto and persons claiming through them, but cannot operate as a precedent under Article 141 of the Constitution or bind third parties to the proceedings.[10]

77. Lastly, Mr. Agrawal has emphasised that restoration under the provisions of the PMLA *would not constitute full and final settlement of the claims* of the claimants, but would amount only to restitution to the extent contemplated by the PMLA.

78. Arising from the above, learned counsel for Mamta Jain has submitted that they are agreeable to the appointment of a monitoring committee in line with the broad contours proposed by ED.

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[10] Municipal Corpn. of Delhi vs. Gurnam Kaur, (1989) 1 SCC 101, and Nadia Distt. Primary School Council vs. Sristidhar Biswas, (2007) 12 SCC 779.

VIII. SUBMISSIONS ON BEHALF OF LAVENDER

79. M/s Lavender Infraprojects Pvt. Ltd. ('Lavender') has filed two applications in the present proceedings, being Crl. M.A. No. 4233/2026, seeking impleadment; and Crl. M.A. No. 4234/2026, seeking recall of the orders dated 03.01.2026 and 21.01.2026 passed by this court. Notice on the impleadment application was issued by this court *vidé* order dated 07.02.2026, and considering the averments in the application and the nature of the prayer made, it is considered appropriate to hear them on the merits of the present matter.

80. It must be recorded that Lavender has also moved CRL.M.C. No. 3359/2026 before a Co-ordinate Bench of this court challenging an order dated 24.04.2026 passed by the PMLA Court dismissing their application seeking intervention in the PMLA Court proceedings and for recall/review/modification of order dated 27.11.2025, *i.e.*, the impugned order, which Bench has kept the said petition pending, awaiting the outcome of the present proceedings.

81. Mr. Vikas Pahwa and Mr. Anurag Ahluwalia, learned senior counsel appearing on behalf of Lavender have made the following essential submissions:

81.1. It has been submitted that Lavender is an independent and exclusive owner of property bearing Hotel Plot No. A-3a, District Centre, Phase-II, Nehru Place, New Delhi ('Nehru Place Property'), having acquired the same under a Conveyance Deed dated 19.09.2011 executed by the DDA, *much prior* even to the conception of the project and of execution of the development agreement. It has further been submitted that Lavender's title to the property stands recognised by HRERA *vidé* order dated 25.03.2022 in E/659/2020/255/2018/2019 and by HREAT *vidé* order dated 03.05.2023 in Appeal No. 422/2022; and in fact a prior charge in favour of one M/s Delhi Brass and Metal Pvt. Ltd. has been subsisting over the property since 2015.

81.2. It has further submitted that there is no document, title deed, transfer deed or other material on record to show that the Nehru Place Property was ever acquired by 3C Shelters.

81.3. It has also been their submission that the Nehru Place Property has been attached by ED under the mistaken belief that the property has been obtained using the funds collected from homebuyers, despite the fact that the purchase of the property predates the development agreement relating to the project. Furthermore, it has been clarified that an amount advanced by 3C Shelters to Lavender and to its holding company was in the nature of an inter-corporate loan, which stands fully repaid by Lavender and its holding company. It has been argued that the Nehru Place Property is not liable to be liquidated to satisfy the financial creditors of 3C Shelters, since in any event the issue of repayment of loan, if any, is inherently a civil dispute and is outside the purview of the PMLA Court.

81.4. It has been submitted that the Nehru Place Property has been attached only as 'value equivalent' to the alleged proceeds of crime under section 2(1)(u) of the PMLA, and that the attachment of property as being of equivalent value is unsustainable inasmuch as ED has failed to establish any link between the said property and the commission of the alleged offence. It has been submitted that the expression *"value of such property"* in section 2(1)(u) is attracted only where, after the commission of a scheduled offence, the property actually derived from the offence is no longer available and has been converted into an alternate property; and that some other property having no link with the commission of the scheduled offence cannot be attached. It has been submitted that, since Lavender acquired the Nehru Place Property in the year 2010, prior even to the execution of the development agreement and the launch of the project, the acquisition of the said property could not conceivably have been on account of any intent to defeat the law. Reliance in this behalf has been placed on the decision of this court in ***Deputy Director, ED vs. Axis Bank & Ors.***[11], wherein it has been held that where a third party has acquired an interest in the property at a time anterior to the commission of the criminal activity, such acquisition cannot be on account of any intent to defeat the law, and that it is only where the tainted property is not traceable that the deemed tainted property, being the second and third kinds of property under section 2(1)(u), may be attached.

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[11] (2019) SCC Online Del 7854

81.5. It has been submitted that, in the present case, the tainted property held by Orris was available and traceable, the prosecution complaint itself having recorded that Orris received an aggregate sum of Rs. 586.44 crore from 3C Shelters, in addition to receiving Rs. 390 crore from homebuyers; and that the *bona fide* course of action for ED was to have first examined and secured the said funds and the third-party rights created over approximately 10 acres of land in the very project from which Orris is alleged to have derived substantial benefit. It has been submitted that, notwithstanding the availability of such actual proceeds of crime, and in violation of the law laid down in *Axis Bank*, ED has proceeded to attach the property of Lavender which otherwise bears no link with the offence of money laundering.

81.6. It has also been submitted that in paragraph 11 of PAO No. 12/2025, ED has identified the Nehru Place Property as belonging to Lavender, and has nowhere established that the said property belongs to Nirmal Singh, one of the accused persons in the prosecution complaint, based on which premise ED has attached the said property, which premise is flawed. It has been submitted that there is no statement recorded under section 50 of the PMLA to show that the said property belongs to Nirmal Singh, or to establish that it constitutes proceeds of crime; and that in the absence of any payment trail, acquisition trail, funding trail, beneficial ownership document or any admission under section 50 of the PMLA, ED has failed to establish the ingredients of section 2(fa) of the PMLA defining "beneficial owner", and the attachment as equivalent value is therefore unsustainable.

81.7. Insofar as the role of the IRP is concerned, it has been submitted that the IRP had no authority under the IBC to deal with the Nehru Place Property, and that his undertaking could neither confer jurisdiction upon the PMLA Court nor create rights over a third-party asset. It has been submitted that the term "assets of the corporate debtor" in the IBBI Circular includes only assets owned by the corporate debtor, as is evident from a conjoint reading of sections 18(f), 20, 36(3) and 36(4)(a) of the IBC, the last of which expressly excludes third-party assets from the liquidation estate. It has been submitted that no application under section 49 of the IBC (relating to undervalued transactions) or section 66 of the IBC (relating to fraudulent or wrongful trading) has been filed by the IRP alleging that the assets of the corporate debtor were kept beyond the reach of its beneficiaries; and in absence thereof an independent property of a third party such as Lavender cannot be brought within the asset pool of the corporate debtor. Reference has been made to the Supreme Court decisions in ***Embassy Property Developments Pvt. Ltd. vs. State of Karnataka & Ors.***[12] and ***Victory Iron Works Ltd. vs. Jitendra Lohia & Anr.***,[13] wherein it

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[12] (2020) 13 SCC 308 (para 40)
[13] 7 SCC 227 (paras 23 and 42)

has been held that *only* assets owned by the corporate debtor fall within the purview of section 18 of the IBC.

81.8. It has been argued that the undertaking furnished by the IRP could not enlarge the asset pool of the corporate debtor beyond the assets recognised under the IBC; and that an earlier attempt made by the IRP to take control of and liquidate the Nehru Place Property was thwarted and rejected by a learned Single Judge of this court *vidé* judgment dated 20.07.2026 in W.P.(C) No. 174/2024.

81.9. It has also been submitted that ED's stand taken before this court in support of restitution is contradictory to their stand as recorded in order dated 27.11.2025 by the PMLA Court, since before the PMLA Court ED had objected to the restoration application, submitting that it was premature and not maintainable since even charges had not been framed in the case as required in section 8(8) of the PMLA read with Rule 3A of the PML Rules.

81.10. It has been argued that, notwithstanding the above position, attachment and restitution proceedings have been initiated against Lavender in respect of the Nehru Place Property, though that property is not an asset of 3C Shelters.

81.11. Learned senior counsel have also submitted that impugned order dated 27.11.2025 was passed *ex-parté* in breach of the principles of natural justice, without affording Lavender an opportunity of being heard; and that the PMLA Court failed to consider the judgment of the Supreme Court in ***M/s Nav Nirman Builders & Developers Pvt.***

Ltd. vs. Union of India,[14] wherein the Supreme Court has held that confiscation of property cannot be sustained where an appeal against the order of attachment has not attained finality. It has further been submitted that in any case the impugned order was passed at a stage when it was impermissible in law to pass such order under Rule 3A(1) of the PML Rules, namely, at a stage prior to the framing of charges. In this regard, reliance has been placed upon the decision of a Co-ordinate Bench of this Court in *Richa Bharadwaj.*

81.12. It has been submitted that Lavender's statutory appeal dated 12.02.2026 preferred under section 26(3) of the PMLA before the Appellate Tribunal against the FAO dated 23.09.2025 passed by the Adjudicating Authority in OC No. 207/2025, is still pending adjudication; and relying on *Nav Nirman Builders*, it has been argued that restitution cannot be made where the appeal against attachment has not attained finality.

81.13. It has been submitted that the premature release or alienation of the Nehru Place Property, before the culmination of the statutory proceedings and before the challenge to the attachment attains finality, would create a *fait accompli* and render the subsequent statutory adjudication nugatory. It has been submitted that the value of the Nehru Place Property as assessed by ED is Rs. 273.99 crore,

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[14] 2026 SCC OnLine SC 161

and that the taking of an undertaking or bond under Rule 3A(2) of the PML Rules from a claimant to re-deposit or produce the property in future cannot be treated as a substitute for preserving the property itself, particularly where the property belongs to a third-party.

81.14. Insofar as setting-up of a monitoring committee is concerned, it has been submitted that, while Lavender does not oppose the constitution of such committee, the remit of the committee must, as a first step, be confined to verification of genuine homebuyers in terms of Rule 2(b) of the PML Rules, which defines 'claimant' as a person who has suffered a quantifiable loss; and that statutory restoration in terms of section 8(8) of the PMLA read with Rule 3A of the PML Rules must be conducted subsequently and by the PMLA Court alone. It has accordingly been submitted that the monitoring committee cannot be vested with the statutory power of adjudication, restitution, restoration, sale, transfer or distribution of attached properties, which power remains within the exclusive statutory domain of the PMLA Court and is exercisable only in accordance with section 8(8) and Rule 3A; and that the parties be relegated to the statutory mechanism prescribed under the PMLA, with no coercive or irreversible steps being permitted in respect of Lavender's property.

81.15. Learned senior counsel have also submitted that Lavender has no objection to the above exercise being undertaken, though it is

Lavender's case that the verification exercise has no bearing on Lavender's stand that they are an independent third-party which owns the Nehru Place Property, and that the said property has no connection with 3C Shelters or any of the accused persons.

81.16. It has been emphasized that neither Lavender nor any of its directors or shareholders is an accused in PMLA matter.

81.17. Commenting on the conduct of the IRP, it has been submitted on behalf of Lavender that the IRP has been taking steps at the behest of Orris, which has been observed in interim report dated 08.02.2025 submitted by the monitoring committee appointed by the NCLT, whereby the monitoring committee had recommended disqualification and suspension of the IRP with immediate effect.

81.18. Learned senior counsel have also submitted that the IRP has admitted the claim of Orris as a financial creditor of 3C Shelters to the extent of Rs. 920 crore, treating Orris on the same footing as a homebuyer, which is a clear indication of the bias underlying the steps taken by the IRP.

81.19. It has accordingly been submitted that, since the monitoring committee proposed to be constituted by this court is to be entrusted with the verification of claims of genuine homebuyers, they may also be entrusted with the task of examining the conduct of the IRP and considering whether he ought to continue or be replaced; and pending such determination, the IRP ought to be restrained from taking any further steps.

81.20. Learned senior counsel for Lavender have argued that the proposed constitution of the monitoring committee would be a necessary and appropriate measure to ensure that the claims of genuine homebuyers are identified, that proxy claims are excluded, that the conduct of the present IRP is independently examined, and that restitution of the attached properties is undertaken strictly in accordance with the PMLA and the PML Rules, with the assistance of ED.

IX. SUBMISSIONS ON BEHALF OF LOTUS VALLEY & WHITE LOTUS

82. Since M/s Lotus Valley Global LLP ('Lotus Valley') and M/s White Lotus Projects LLP ('White Lotus') had filed an application bearing Crl. M.A. No. 17098/2026 in W.P.(CRL) No. 2/2026 seeking intervention prior to the directions issued by the Supreme Court by its order dated 10.08.2026, by the way of abundant indulgence, and based on their contention that they are the *true owners* of some of the properties attached by ED in the matter, this court has heard the said two parties as intervenors in the matter.

83. For completeness, it may be mentioned that Lotus Valley has also moved CRL. REV. P. No. 307/2026 challenging order dated 27.11.2025, which petition is pending before a Co-ordinate Bench of this court, which Bench has kept the said petition pending, awaiting the outcome of the present proceedings.

84. The principal contentions raised by Mr. Amit Chadha, learned senior counsel appearing on behalf of Lotus Valley and White Lotus are summarized hereinbelow:

84.1. It has been submitted that the *vidé* PAO No. 12/2025 dated 28/29.03.2025, ED has arbitrarily and incorrectly attached the immovable properties belonging to the applicants *viz.,* a plot of land ad-measuring 13.75 acres at Gajjar, Garhshankar, Punjab (owned by Lotus Valley) and a plot of land ad-measuring 14 acres at Mehdood, Garhshankar, Punjab (owned by White Lotus).

84.2. It has been argued that the investigation carried-out by ED has been inherently biased and that ED has turned a Nelson's eye to the actual proceeds of crime involved in the case on the premise that they are not traceable, and has instead attached assets of third parties cherry-picking such assets. It has been contended that the personal assets of two promoters of the 3C Group, namely Mr. Vidur Bharadwaj and Mr. Surpreet Singh Suri have been attached; whereas, the personal assets of Mr. Nirmal Singh and his family members including Mr. Harkaran Singh Uppal, through which the actual proceeds of crime were laundered from 3C Shelters, have not been attached.

84.3. Learned senior counsel has argued that the attachment of the aforementioned properties belonging to the applicants is bad in law since the these properties have been attached under the third limb of section 2(1)(u) of the PMLA *viz.,* "property equivalent in value";

however, for that purpose it is necessary to establish a nexus between the property attached and the accused, which is absent in this case. It has been submitted that there is no mention whatsoever of the assets of Lotus Valley or White Lotus anywhere in connection with the funds siphoned-off from 3C Shelters; and therefore the assets of the applicants are not proceeds of crime.

84.4. It has been pointed-out that the properties belonging to Lotus Valley and White Lotus were purchased way back in 2013 and 2011, respectively, and the FIR relating to the predicate offence itself was registered only in 2017, making it impossible for the said properties to qualify as proceeds of crime created from funds siphoned-off from 3C Shelters.

84.5. Learned senior counsel appearing for the said parties has also sought to explain the chain of title and shareholding pattern/partnership history of certain entities to make good his submission that the said two properties have no connection with the predicate offence or with the prosecution complaint filed by ED. It has therefore been argued that the assets of the applicants do not fall in the ambit of assets of 'equivalent value' as they are not assets of the accused, and ED must first establish that the properties belonged to the accused/beneficiaries of the proceeds of crime before taking any action against such properties.

84.6. It is also the argument made on behalf of the applicants that the sole ground for attachment of the said properties are statements of some of the accused persons recorded under section 50 of the PMLA, which statements are alleged to be false and incorrect.

84.7. Further, in order to rebut the argument that the applicants are a 'front' for the accused persons, learned senior counsel has argued that the majority shareholder/stakeholder in both Lotus Valley and White Lotus, has in fact himself been a victim at the hands of the promoters of 3C Shelters, who have duped him and have not cleared his dues, including payments towards commission, supervision charges, and out-of-pocket expenses incurred by him in furtherance of the oral understanding/arrangement with the promoters. It has been argued that as a result of the fraud perpetrated by the promoters, the majority shareholder/stakeholder has initiated multiple civil and criminal proceedings against the promoters.

84.8. It has been submitted that by way of prayer (c) in W.P. (Crl.) No. 2/2026 they have sought implementation of order dated 27.11.2025 passed by the PMLA Court; however the said order has been passed without hearing the applicants and thereby violating the principles of natural justice, as well as in contravention of Rule 3A(4) of the PML Rules. It has further been submitted that the said order is also in violation of Rule 3A(1) of the PML Rules since it was passed at a stage prior to the framing of charges.

85. Upon query, it transpires that Lotus Valley had challenged the PAO dated 28/29.03.2025, which challenge was, however, turned down by a learned Single Judge of this court by an order dated 23.07.2026 in W.P.(C) No.

11796/2025, observing that since the PAO had subsequently merged into FAO dated 23.09.2025, Lotus Valley was at liberty to challenge the FAO. A challenge preferred to order dated 23.07.2026 was also rejected by a Division Bench of this court *vidé* order dated 24.08.2026 in LPA No. 662/2026. The Division Bench observed that there was no infirmity in the order of the learned Single Judge and that Lotus Valley was at liberty to adopt the statutory remedies available to them under the PMLA.

86. In view of the submissions made, it has been contended on behalf of the applicants that the said two properties cannot be the subject of any further proceedings before the PMLA Court or before the monitoring committee proposed to be appointed by this court.

X. DISCUSSION & CONCLUSIONS

87. As the proceedings in the present batch of matters clearly show, the rival parties are at loggerheads in the case and there are broadly *two distinct sets* of proceedings ongoing among them:

87.1. The *first set* of proceedings are under the IBC in which 3C Shelters is undergoing CIRP. Those proceedings are pending before the NCLT, NCLAT and before the Supreme Court at different stages, in which the present IRP is the third in a succession of IRP/RPs with two earlier resolution professionals having been changed/replaced. As things stand, the present IRP's role as an independent person appointed to oversee the possible resolution of the affairs of 3C Shelters, has been questioned and deprecated by the NCLT, by the NCLAT, as well as in an interim report of a monitoring committee appointed by the NCLT. There are hundreds of contempt petitions pending against the present IRP before the NCLAT; and also several applications seeking his removal pending before the NCLT. Though strenuously refuted by the IRP, the allegations against the IRP are yet to be considered by the concerned forums.

87.2. The *second set* of proceedings are under the PMLA, arising from the ECIR recorded by ED, which are predicated on the FIR registered by the EOW, Delhi *inter-alia* against 3C Shelters, Orris and their former promoters.

88. Affected by these two sets of proceedings are some 1650 homebuyers, who have paid around Rs. 776.60 crore to 3C Shelters and Rs. 383.06 crore to Orris, and are seeking *expeditious* and *tangible* redressal of their grievances. They either want that the units they have booked in the project be allotted to them along with delay penalty *and/or* are asking for refund of the monies paid along with interest.

89. In this backdrop, the issues that need to be addressed by the present judgment are *three*:

89.1. *One*, the validity and correctness of impugned order dated 27.11.2025 passed by the PMLA Court;

89.2. *Two*, the matter of verifying as to who are the genuine homebuyers in the project, and as to who would be entitled to claim units and/or compensation, *regardless of whether they paid money to 3C Shelters or Orris*; and

89.3. *Three*, the matter of collection and collation of the monies available *under the PMLA regime*, by liquidation of the assets attached by ED. A very important question that must be addressed is as to what would happen if the properties that are presently attached are subsequently released from attachment by an appropriate court or authority under the scheme of the PMLA.

90. For the above purpose, it is necessary to first analyze the scheme of the PMLA as well as the scheme of the IBC, to the extent necessary.

91. The provisions of section 8 of the PMLA and Rule 3A of the PML Rules appear to be relevant and may be noticed:

> ***8. Adjudication.—***
>
> * * * * *
>
> *(5) Where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.*
>
> *(6) Where on conclusion of a trial under this Act, the Special Court finds that the offence of money-laundering has not taken place or the property is not involved in money-laundering, it shall order release of such property to the person entitled to receive it.*
>
> *(7) Where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of*

the property, as the case may be, involved in the offence of money-laundering after having regard to the material before it.

(8) Where a property stands confiscated to the Central Government under sub-section (5), the Special Court, in such manner as may be prescribed, may also direct the Central Government to restore such confiscated property or part thereof of a claimant with a legitimate interest in the property, who may have suffered a quantifiable loss as a result of the offence of money laundering:

> *Provided that the Special Court shall not consider such claim unless it is satisfied that the claimant has acted in good faith and has suffered the loss despite having taken all reasonable precautions and is not involved in the offence of money-laundering:*
>
> *Provided further that the Special Court may, if it thinks fit, consider the claim of the claimant for the purposes of restoration of such properties during the trial of the case in such manner as may be prescribed.*

* * * * *

3A. Manner of restoration of property during trial.

(1)The Special Court, after framing of the charge under section 4 of the Act, on the basis of an application moved for restoration of a property attached under sub-section (1) of section 5, or, seized or frozen under section 17 or section 18 of the Act prior to confiscation, if it thinks fit, may, for the purposes of the second proviso to sub-section (8) of section 8 of the Act, cause to be published a notice in two daily newspapers, one in English language and one in vernacular language, having sufficient circulation in the locality where such property is situated calling upon the claimants, who claim to have a legitimate interest in such property or part thereof, to submit and establish their claims, if any, for obtaining restoration of such property or part thereof.

(2)When the property referred to in sub-rule (1) is insufficient to meet the loss suffered by the claimant as a result of the offence of money-laundering, the Special Court, as it thinks fit, may pass an order of

restoration of property directing the Central Government, if necessary, to auction such property and disburse on a pro-rata basis in accordance with the share of loss suffered by each claimant and may give custody thereof to such claimant on his executing a bond undertaking to produce such restored property before the Special Court as and when required for the purposes of sub-section (5) or sub-section (6) or sub-section (7) of section 8 of the Act.

(3)No claimant shall be entitled to claim restoration of the property referred in sub-rule (1) before the Special Court beyond thirty days from the date of publication of the notice referred to in that sub-rule:

Provided that the Special Court may entertain any claim not exceeding further thirty days, upon the satisfaction that the claimant was prevented by sufficient cause.

(4) No restoration order shall be passed by the Special Court under this rule, without giving an opportunity of being heard to the owner of the property referred to in sub-rule (1) or in the event of his death, the legal representatives of such person or official assignee or official receiver, as the case may be.

92. In the opinion of this court, on a combined reading of section 8 of the PMLA and Rule 3A of the PML Rules the following statutory scheme emerges:

92.1. Under section 8(5) an attached property is confiscated by the Central Government "on conclusion of trial" where the Special Court finds that the offence of money laundering has been committed.

92.2. Section 8(8), as inserted by amendment of the PMLA with effect from 14.05.2015, provides for "restoration" by the Special Court of "confiscated" property to a claimant with a legitimate interest in the property; who has suffered quantifiable loss as a result of the offence of money laundering, has acted in good faith; and has suffered loss despite having taken all reasonable precautions; and is not involved in the offence of money laundering.

92.3. By a subsequent amendment to the PMLA, a second proviso has been added to section 8(8) with effect from 19.04.2018, which provides that "such properties" can also be restored to a claimant at the discretion of the Special Court *even* "during the trial of the case". The second proviso further says that such restoration may be done in such manner "as may be prescribed".

92.4. The manner of restoration of property during the course of trial has been prescribed in Rule 3A of the PML Rules, which rule was inserted by an amendment with effect from 11.01.2019. It is to be noted that since confiscation of property only happens *upon conclusion of trial* while the second proviso contemplates restoration of properties *during the course of trial*, Rule 3A does *not* refer to confiscated property but to attached property. Also, the manner for restoration of confiscated properties is already prescribed in Rule 3, and accordingly, the insertion of Rule 3A is intended to apply to restoration of properties that are 'attached' but not yet 'confiscated'. Rule 3A requires the Special Court to issue public notice, calling upon claimants who have a legitimate interest in the attached property, to submit and establish their claims.

92.5. However, to be sure, Rule 3A in its terms, empowers the Special Court to restore attached property "after framing of the charge".

92.6. Rule 3A further prescribes that where the attached property is insufficient to meet the loss suffered by a claimant, the Special Court may direct the Central Government to auction the attached property and disburse the proceeds on a *pro rata* basis in accordance with the share of loss suffered by each claimant.

92.7. Most importantly, Rule 3A provides that attached property can be restored to a claimant *subject to* the claimant executing a *bond of undertaking* to produce the restored property before the Special Court as and when required under the relevant provisions of section 8 of the PMLA. Evidently, a bond of undertaking is required from a claimant since the attached property which has been restored *prior* to confiscation and *prior* to conclusion of the trial, may subsequently be released from attachment in accordance with the mechanism provided under the PMLA; and may have to be released to the person entitled to receive it.

92.8. Unsurprisingly, Rule 3A(4) requires that before passing an order restoring the property to a claimant, the Special Court must give an opportunity of hearing to the *owner* of the property.

93. The observations of the Supreme Court interpreting the above provisions in *Nav Nirman Builders* are instructive. The relevant extracts read as follows:

*"39. The second proviso to Section 8(8) of the PMLA is an exception to Section 8(8) of the PMLA which facilitates a claimant to make a claim for restoration of properties during the pendency of the trial. The circumstances under which such a power can be exercised is on the basis of a prescription in the form of rules. Therefore, the provision itself facilitates rules to be prescribed on the manner in which the aforesaid claim may be considered. This proviso must be read in consonance with Sections 73 and 74 of the PMLA which empowers the Central Government to make the requisite rules that are to be laid before the Parliament before it comes into the statute. The relevant rules in this regard are the Prevention of Money-laundering (Restoration of Confiscated Property) Rules, 2016 (hereinafter referred to as the "**2016 Rules"**), as amended in 2019.*

"40. At this juncture, we take note of the fact that the second proviso to Section 8(8) of the PMLA, having been introduced by way of a subsequent amendment, is meant to give adequate relief to a claimant. In other words, a claimant need not wait for the conclusion of a trial under the PMLA if he is able to satisfy the requisite parameters as stipulated under the 2016 Rules.

Rule 2 of the 2016 Rules

"***2. Definitions.****—In these rules, unless the context otherwise requires,—*

xxx xxx xxx

(b) "***claimant*" means a person who has acted in good faith and has suffered a quantifiable loss as a result of the offence of Money-laundering despite having taken all reasonable precautions, and is not involved in the offence of money-laundering**";

(emphasis supplied)

Rule 3A of 2016 Rules

"*3A. Manner of restoration of property during trial. -* (1)***The Special Court, after framing of the charge under section 4 of the Act, on the basis of an application moved for restoration of a property attached under sub-section (1) of section 5, or, seized or frozen under***

section 17 or section 18 of the Act prior to confiscation, if it thinks fit, may, for the purposes of the second proviso to sub-section (8) of section 8 of the Act, *cause to be published a notice in two daily newspapers, one in English language and one in vernacular language, having sufficient circulation in the locality where such property is situated* ***calling upon the claimants, who claim to have a legitimate interest in such property or part thereof, to submit and establish their claims, if any, for obtaining restoration of such property or part thereof.***"

(emphasis supplied)

"41. Though the PMLA does not define a claimant, Rule 2(b) of the 2016 Rules defines a 'claimant 'as one who has acted in good faith and has suffered a quantifiable loss, pursuant to an offence of money-laundering, even after taking all necessary precautions. An essential condition is that he should not be involved in the offence of money-laundering. Thus, a 'claimant, 'as mentioned under the proviso, has to be understood on the touchstone of Rule 2(b) of the 2016 Rules. As a necessary corollary, such a person can only be a third party who is not arraigned as an accused, and his entitlement is subject to the conditions imposed by the definition under Rule 2(b) read with Rule 3A of the 2016 Rules.

"42. Rule 3A of the 2016 Rules deals with the manner in which restoration of a property can be ordered for during the trial. For the exercise of such power, it is mandatory for the charges under Section 4 of the PMLA to have already been framed. Only then can an application under the second proviso to Section 8(8) of the PMLA be filed. Such an application may be for restoration of a property attached under Section 5(1) of the PMLA, or seized or frozen under Sections 17 or 18 of the PMLA which are obviously prior to confiscation, after which due publication will have to be made. Under this Rule, the Special Court will have to satisfy itself that a 'claimant 'has established his legitimate interest in the property which would obviously be a question of fact. Thus, the second proviso to Section 8(8) of the PMLA has to be understood and read along with Rule 2(b) and Rule 3A of 2016 Rules.

* * * * *

"46. As discussed, the powers of the Appellate Tribunal are rather wide and exhaustive. What is referred to under Section 8(7) of the PMLA is a confirmation order which has attained finality. At the cost of repetition, once and order under Section 8(3) of the PMLA is challenged before a higher forum, a deemed embargo operates on the conclusion of the proceedings under Section 8(7) of the PMLA. Hence, the Special Court cannot go into the issues which the higher forums have been entrusted with. When an appeal is provided for under the statute, it gives a vested right to any aggrieved person to exhaust the same.

* * * * *

CONCLUSION

"52. *On the basis of the interpretation given by us in this judgment, we conclude as follows:*

•*Section 8(7) and Section 8(8) of the PMLA are stand-alone provisions.*

•*Section 8(7) of the PMLA gets attracted only in case of a contingency and an application under the said provision can be decided by the Special Court only once the confirmation order attains finality.*

•*The expression* "*material before it* "*occurring in Section 8(7) of the PMLA has a limited import to the extent of showing the contingency and the entitlement to possession as regards the Director or any third party. In case of a party who has suffered an adverse order under Section 8(3) of the PMLA, relief under Section 8(7) of the PMLA can be sought for, provided there is new material that was not placed before or considered by the Adjudicating Authority under Section 8(3) of the PMLA, or by the higher forums, if so challenged.*

•*An application under the second proviso to Section 8(8) of the PMLA can only be filed subject to satisfying the essential conditions laid down by Rules 2(b) and 3A of the 2016 Rules*".

(bold alongwith underscoring in original;
underscoring only supplied)

94. Having noticed the relevant provisions of the PMLA as well as the PML Rules, and their interpretation given by the Supreme Court in *Nav Nirman Builders*, suffice it to say that section 8 of the PMLA and Rule 3A of the PML Rules provide the statutory scheme for disposition of attached or confiscated properties in the course of proceedings under the PMLA. Such disposition includes *restoration* of attached or confiscated properties to legitimate claimants *by the PMLA Court*. *Nav Nirman* holds that until the appellate remedies available in law are exhausted, there is a 'deemed embargo' on restoration of attached property.

95. To obviate any confusion, it is necessary to record that though in the course of the proceedings before the PMLA Court, as also in the present proceedings, the words 'restoration' and 'restitution' may have been used interchangeably by various parties, the PMLA and PML Rules refer only to 'restoration' whereas 'restitution' has a certain connotation under the IBC regime. It is made clear however, that the use of the word 'restitution' by this court in the course of its discussion is a reference to 'restoration' to genuine claimants as understood under the PMLA.

96. This court is of the view that for purposes of the present discussion it is not necessary to delve any further into a detailed consideration of the provisions as regards restoration of attached properties.

97. Based on the submissions made by ED, this court is also satisfied that the assets attached by ED in the proceedings under the PMLA are assets belonging to the former promoters of 3C Shelters and other persons/entities - *and what is relevant is that they are not the assets of the*

corporate debtor - namely M/s. Three C Shelters Pvt. Ltd., which is the company undergoing CIRP. Also, this court is advised that, as of date, the assets attached by ED have not been released from attachment under the PMLA mechanism.

X(A). RE: ORDER DATED 27.11.2025

98. In light of the above discussion, this court would now examine the correctness of impugned order dated 27.11.2025 which was made on an application filed by GWC with the following prayers:

> *"a. Allow the present application and permit the Applicant, Greenopolis Welfare Confederation, to intervene in the captioned proceedings in the interest of justice;*
>
> *"b. Issue necessary directions to the Complainant/Enforcement Directorate to forthwith deploy adequate security personnel at all immovable properties forming part of the Provisional Attachment Order dated 28.03.2025. to safeguard the same from alienation. encroachment, or dissipation;*
>
> *"c. Direct the Enforcement Directorate to take immediate possession and control of the attached properties and to publicly notify the attachment so as to prevent any unauthorised dealings therewith;*
>
> *"d. Further direct that the proceeds realised from the attached assets, upon completion of due legal process, be utilised towards restitution and compensation of the bonafide financial creditors of Three C Shelters Pvt. Ltd., in a transparent and equitable manner under supervision of this Hon'ble Court; and*
>
> *"e. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."*

99. In the first instance, an application under section 8(8) of the PMLA was not maintainable at the instance of GWC at all, since they were not a 'claimant' in relation to the properties attached by ED. Undisputedly,

GWC is an association registered under the Haryana Registration & Regulation of Societies Act 2012, namely a separate entity, claiming to represent the cause of some of the homebuyers of the project. GWC has not claimed, nor is there any material to show that GWC was a homebuyer. Such an association cannot possibly qualify as a 'claimant' for purposes of section 8(8) with "a legitimate interest in the property, who may have suffered a quantifiable loss" as a result of the offence committed under the PMLA. Furthermore, GWC could also never have satisfied the requirement of being a claimant who "has acted in good faith and has suffered the loss despite having taken all reasonable precautions"; apart from not being involved in the offence of money-laundering itself. These are requirements that could only have been satisfied by individual homebuyers and not by an association. Despite this, in the impugned order the PMLA Court went on to record the following:

> *" 27……. Here in this case, the applicants being the bonafide purchasers/home-buyers who had invested into the project were cheated by the accused persons. There is nothing on record to suggest that applicant acted negligently or was aware of the fraudulent acts of the accused persons or were related to some illegal activity."*

There is absolutely no material or basis for the PMLA Court to have concluded that GWC was a *bona fide* purchaser or homebuyer, or that the association had invested in the project, or that the association was cheated.

100. Interestingly, on the very same day, the PMLA Court rejected an application made by the other association, namely GWA, filed before it with the following emphatic observations:

> *"4. …… However, in criminal matters where the State (through a Public Prosecutor), conducts a prosecution, the concept of "impleadment" as understood in civil law is generally not applicable, and there is no express provision for a victim to move an application for formal impleadment as a party ……".*

Thus, quite apart from the fact that a prayer for intervention/impleadment could not have been entertained at the hands of an association that was not a home buyer/claimant, in a peculiar decision, the PMLA Court accepted such prayer made by GWC while rejecting the same prayer made by GWA.

101. Furthermore, though the prayers in the GWC application did not call for any role being assigned to the IRP, on his own volition the IRP filed an undertaking purportedly dated 17.11.2025 before the PMLA Court premised on the IBBI Circular extending certain assurances; and based on the undertaking so furnished by the IRP, the PMLA Court proceeded to allow GWC's application and passed orders directing the restoration of the attached properties to the IRP *in lieu* of the undertaking offered by the latter.

102. The IBBI Circular, based on which the IRP is stated to have given the undertaking, stipulates that ED must facilitate and support the resolution process under the IBC and that efforts should be to maximise the value for creditors. The circular further says that the objective behind it is to enable

the IRP to restitute assets attached by ED to genuine claimants. Based on this premise, the IRP had offered to the PMLA Court *inter-alia* the following assurances: (i) an assurance against misuse of restituted assets; (ii) an assurance of periodic reporting and disclosure in the insolvency process; (iii) an assurance against restitution of assets to any accused person; (iv) full cooperation to ED during investigation; and (v) the IRP further said that his undertaking shall remain effective until approval of the resolution plan under the IBC.

103. Based on the assurances contained in the undertaking, the IRP prayed as follows:

> *"In view of the aforesaid undertaking in accordance with the Circular No. IBBI/CIRP/87/2025 dated 4th November, 2025 issued by the IBBI, it is prayed that this Hon'ble Court may kindly consider allowing the prayer for restitution of the assets to the genuine claimants of M/s. Three C Shelters Pvt. Ltd., by the undersigned IRP."*

104. It is important to observe that the IBBI Circular is premised on the basis that, in the course of PMLA proceedings *in some cases*, ED attaches assets that *belong to the corporate debtor* undergoing CIRP. As a result, the pool of assets that is subject of the CIRP proceedings *may in some cases overlap* with the assets attached by ED. The IBBI Circular would apply *only* in relation to assets of the corporate debtor that are attached by ED; that circular cannot, however, have any application to assets attached by ED which are *not assets of the corporate debtor*.

105. Equally, Press Release dated 05.11.2025 issued by ED, which corresponds to what is stated in the IBBI Circular would relate only to assets of the corporate debtor which may have been attached by ED.

106. It must be said here that, regardless of what may have been stated in the IBBI Circular, that circular could never have overridden the provisions of the PMLA, or for that matter, even those of the IBC. *Least of all could the circular have conflated and merged the provisions of the PMLA with those of the IBC*.

107. All else apart, the IBBI Circular was not binding on the court at all.

108. Furthermore, as correctly pointed-out by learned counsel appearing for the parties, proceedings under the PMLA seek to *restitute genuine claimants* who have suffered quantifiable loss by reason of the offence of money laundering committed under the PMLA; while on the other hand, proceedings under the IBC are targeted at drawing up a resolution plan to *revive a company* that is facing liquidation by handing-over the company to a successful resolution applicant. Even in the alternative scenario, namely if the company is not revivable, individual homebuyers as creditors of the company under CIRP would be entitled to *pro rata* distribution of the sale proceeds of the *assets of the company* but not of the assets which *do not belong to the company*, which (latter) are the assets attached by ED. *Ergo*, the pool of assets that is subject of the IBC proceedings is distinct from the pool of assets that is the subject matter of the PMLA proceedings. The PMLA Court has omitted to consider any of

the aforesaid aspects before proceeding to release the attached properties to the IRP.

109. Besides, the PMLA Court also failed to notice that Rule 3A of the PML Rules, which governs restoration of attached properties by the PMLA Court, comes into play only after framing of charges, which stage had not been reached.

110. Furthermore, the PMLA Court also lost sight of the fact that its direction that the properties attached by the way of the provisional attachment order be "restored as per rules" could, at best only have referred to rules framed under PMLA. Therefore, the further direction that the IRP must abide by the undertaking submitted by him before the PMLA Court was, for lack of a better word, meaningless, since the IRP had no statutory role in the proceedings before the PMLA Court.

111. It is very important to understand the scope and purport of what had transpired before the Supreme Court, which led to the passing of the order dated 20.11.2025 by the Supreme Court. The said order was passed in an appeal filed against an NCDRC order dated 10.07.2025 by *only one* of the homebuyers, Vivek Suri. In those proceedings, based on what was represented before the Supreme Court by the IRP, the Supreme Court recorded the following observation:

> *"2. …… learned senior counsel appearing on behalf of the respondent No. 1 states that the said respondent has already filed an undertaking before the Special Court (ED). He submits that the <u>interest of the appellant</u> is squarely taken care of by the said undertaking. Learned senior counsel has handed over a copy of the said undertaking*

across the Bar. The same is taken on record and is treated as an undertaking before this Court as well.

"3. In that view of the matter, the interest of the appellant stands sufficiently protected."

(emphasis supplied)

The undertaking could not, therefore, have been construed to have been accepted by the Supreme Court *as an undertaking in-rem in relation to all homebuyers* of the Greenopolis project. Clearly, the consideration that the undertaking furnished by the IRP before the Supreme Court was binding on the PMLA Court has weighed on that court, which was erroneous. In any case, since the IRP had no statutory role in the PMLA proceedings, his undertaking could only have been in relation to the CIRP proceedings, which were separate and distinct from the PMLA proceedings.

112. Properties attached under the PMLA could only have been restored under and in accordance with the PML Rules. What came to be issued *vidé* the impugned order therefore was a confused and mixed-up direction where, on the one hand, the PMLA Court directed that the attached properties be restored under the PML Rules, but in the same breath it issued a direction that the IRP would abide by his undertaking submitted to the PMLA Court.

113. The PMLA Court failed to appreciate that *in the present case*, ED's stand is that the attached properties are not assets of the corporate debtor, and in the prosecution complaint ED has set-out the names in which the attached properties stand today. Again, some of the entities claiming ownership of the attached properties are challenging the attachment contending that the

attached properties do not belong to the corporate debtor or to any of the accused persons. *As things stands in this case therefore*, the properties attached by ED under the PMLA do not fall within the remit of the IRP.

114. To compound the errors committed, the PMLA Court also directed that the attached properties "*may be disposed off by the liquidator for the purpose of restitution, in accordance with law*". In so directing, the PMLA Court mixed-up the role of the IRP under the IBC with its own role under the PMLA.

115. Insofar as order dated 03.01.2026 passed by the learned Predecessor Bench in the present proceedings is concerned, the following paras of the order are required to be noticed:

> *"11. In view of the foregoing circumstances, the present Writ Petition has been filed by the Petitioner. At this stage, the Petitioner seeks enforcement of the directions issued by the Hon'ble Supreme Court vide Order dated 20th November, 2025, as well as the operative directions contained in the Order passed by the Ld. Special Judge dated 27th November, 2025, along with the undertaking furnished by the IRP. The Petitioner prays that the parties concerned be bound to strictly comply with the aforesaid judicial directions and undertaking.*
>
> * * * * *
>
> *"17. Upon considering the submissions advanced by the learned counsel for the parties and the various orders placed reliance upon, this Court is of the considered view that, in order to curtail multiplicity of proceedings and to obviate any further complications in the matter, it is necessary to direct that all parties to the present writ petition, as well as any third parties, shall refrain from taking any action in contravention of or in derogation of the order dated 20 November 2025 passed by the Hon'ble Supreme Court and the order dated 27 November 2025 passed by the learned Special Judge, till the next date of hearing."*

116. Clearly, the learned Predecessor Bench proceeded on the basis that GWC was seeking enforcement of the directions issued *vidé* order dated 20.11.2025 by the Supreme Court, as well as the operative directions issued *vidé* order dated 27.11.2025 by the PMLA Court, omitting to notice that GWC was *not* the petitioner before the Supreme Court, and was *not* even a claimant before the PMLA Court within the meaning of the PML Rules. Arising from this misunderstanding, the Predecessor Bench observed that, in order to curtail multiplicity of proceedings and to obviate further complications, *all parties* to the present writ petition, *as well as any third parties*, shall refrain from acting in contravention of the above-referred orders dated 20.11.2025 and 27.11.2025.

117. Now, the other concerned parties, namely the homebuyers represented by GWA, were *not heard* before order dated 03.01.2026 was passed. Also, as explained above, order dated 20.11.2025 was passed by the Supreme Court *only* in relation to one of the homebuyers, Vivek Suri, and could therefore not have been extended or applied to the hundreds of other homebuyers, many of whom were members of GWA. And, in any case, order dated 27.11.2025 passed by the PMLA Court was illegal and untenable for the reasons discussed above.

118. This court is therefore of the view, that order dated 03.01.2026 was accordingly misconceived.

119. Coming next to order dated 21.01.2026 passed by the Predecessor Bench, it is noticed that the said order was passed on an application filed by GWC

seeking 'clarification' of order dated 03.01.2026. The clarification was essentially in relation to the phrase "any third parties" used in order dated 03.01.2026. The grievance was that the third parties referred to in the said order should also include the NCLT, which, according to the GWC, was passing orders contrary to the direction contained in order dated 03.01.2026.

120. Disposing-of that clarification application, the Predecessor Bench observed as follows:

> "*21. The order dated 03rd January, 2026, is clarified to the extent that any party, related to "Greenopolis Project" would be bound by the order dated 20th November, 2026 [sic, 2025], of Hon'ble Supreme Court and the order dated 27th November, 2025, of ld. Special Judge till the next date of hearing. As regards the submissions of the learned Counsel for the Applicant/Petitioner seeking an interpretation of the expression 'third parties' to include statutory authorities and other adjudicatory fora, including, but not limited to the NCLT, it is evident that, as a matter of settled law, all judicial and quasi- judicial bodies subordinate to the Hon'ble Supreme Court are bound by its orders and cannot, nor ought to, act in derogation thereof in any manner.*"

121. As to whether the phrase "third parties" used in order dated 03.01.2026 also included the NCLT or any other quasi-judicial or judicial forums, the Predecessor Bench observed as under:

> "*23. In view of the aforesaid submissions and upon due consideration thereof, all parties connected with or related to the Greenopolis Project (supra), in any capacity whatsoever, including but not limited to promoters, financiers and homebuyers, shall remain bound by this order. It is further clarified that no opinion is being expressed herein, in respect to the other judicial and quasi-judicial forums,*

including the NCLT or any other forum, as these in any event, are bound by the orders of the Hon'ble Supreme Court in accordance with the settled principles of judicial propriety as is evident from Article 141 of the Constitution of India. No separate order or expression of opinion in this regard is required."

122. As observed above, order dated 03.01.2026 was misconceived. Suffice it to say, therefore, that order dated 21.01.2026 which purported to clarify order dated 03.01.2026, was also misconceived.

123. As sequitur to the above discussion, and for the reasons set-out herein-before, order dated 27.11.2025 passed by the PMLA Court, is hereby set-aside.

124. Interim orders dated 03.01.2026 and 21.01.2026 passed in the present matter are recalled and vacated.

125. Insofar as the contentions raised on behalf of Lotus Valley and White Lotus are concerned, in essence and substance, they have also sought setting-aside of order dated 27.11.2025 passed by the PMLA Court, although on somewhat different grounds, which challenge has been accepted above. It is a separate matter however, that the setting-aside of order dated 27.11.2025 *will not finally decide* the fate of attachment of the two properties claimed by the aforesaid two parties.

126. For completeness it may be recorded that Lotus Valley and White Lotus are at liberty to invoke their remedies under the scheme of the PMLA against attachment of their properties, if so advised, in accordance with law.

127. In view thereof, it may only be clarified that this court does not propose to precipitate liquidation of any of the attached properties, *at this stage*.

X(B). RE: MONITORING COMMITTEE

128. Insofar as appointing a monitoring committee is concerned, ED has *inter-alia* cited the case of *Rose Valley*, where, exercising its jurisdiction under Article 226 the Calcutta High Court not only constituted a committee, but also entrusted it with powers to take possession of, auction and otherwise deal with properties, *including properties attached by ED under the PMLA*, for purposes of restitution to defrauded investors/depositors. It is noticed that in the said case the Calcutta High Court had exercised such jurisdiction independently of, and notwithstanding, the machinery contemplated under Rule 3A of the PML Rules which, according to ED, operate only on the Special Court.

129. Though it has been submitted by ED that the constraints that apply to the Special Court under Rule 3A of the PML Rules do not apply to this court while exercising its extraordinary constitutional jurisdiction under Article 226 of the Constitution, considering the course that this court proposes to adopt in the present case, it is not necessary to express any opinion on this submission made by ED *at this stage*. Given the manifold complexities arising from the sheer numbers of claimants and competing claims over the attached assets, it is considered appropriate to defer any detailed directions concerning restitution of the attached properties to a subsequent stage, when a comprehensive picture emerges on record.

130. However, based on the detailed discussions set-out above, deriving guidance and benefit from the orders made in *Rose Valley*, and considering the complexities obtaining in the present case - especially the number of claimants involved and since there may be other persons claiming rights to the properties attached - in order to expedite the process of giving tangible relief to the victim homebuyers, this court considers it appropriate to appoint a monitoring committee to streamline the restitution process.

131. It must be put on record that all parties to the present proceedings have endorsed the submission made by ED before the Supreme Court, namely that a monitoring committee be appointed to resolve the claims of the hundreds of homebuyers, who have suffered by reason of the Greenopolis project having been jeopardised and abandoned by 3C Shelters and Orris.

132. To be abundantly sure, this court is not, and indeed cannot, interfere in the CIRP proceedings that are ongoing under the IBC; as a corollary to which the IRP would have *absolutely no role* before the monitoring committee. Equally, it is important to state that the proceedings before the monitoring committee, or any subsequent proceedings before this court, would not in any manner affect any rights or entitlements that may be available or accrue to the homebuyers in the CIRP proceedings.

133. Accordingly, a Monitoring Committee comprising the following persons, is appointed, with the scope and remit to perform the functions as set-out below.

<u>Composition of the Monitoring Committee:</u>

134. The Monitoring Committee shall comprise:

134.1. **Mr. Justice Sanjiv Khanna**, former Chief Justice of the Supreme Court of India, who shall be the Chairperson of the Monitoring Committee;

134.2. The Monitoring Committee shall also comprise 02 former judicial officers of the Delhi High Judicial Service, namely **Mr. H. S. Sharma (DHJS)**, former Principal District Judge, New Delhi District, New Delhi and **Mr. Ajay Kumar Kuhar (DHJS)**, former Additional District & Sessions Judge, Delhi, who shall assist the Chairperson in the performance of the functions of the Monitoring Committee;

134.3. The Chairperson shall be entitled to change any of the members, if he so desires, at any stage in the course of functioning of the Monitoring Committee;

134.4. Additionally, to assist the Monitoring Committee in its functioning, the Chairperson shall be entitled, at his discretion, to engage up to 08 Advocates to assist as Law Clerks for performing such functions as the Monitoring Committee may assign. The Chairperson shall be entitled to change any of the Advocates engaged, if he so desires, at any stage in the course of functioning of the Monitoring Committee;

134.5. Furthermore, the Directorate of Enforcement shall assign 02 Officers not below the rank of Assistant Director, one of them being the Investigating Officer of the matter, to assist the Monitoring Committee in performing its functions;

134.6. The Directorate of Enforcement shall also provide all required infrastructural, secretarial, and logistical support and facilities as the Chairperson may require for the functioning of the Monitoring Committee, including by providing requisite office accommodation; staff for secretarial work and maintenance of records and other necessary assistance; as well as assistance for setting-up and operation of a website, if so desired by the Monitoring Committee; and

134.7. The Directorate of Enforcement shall place before the Monitoring Committee all records, data and details concerning homebuyers available with it. The Directorate of Enforcement shall also furnish a complete list of the assets attached by them, detailing the names and particulars of the owners of the assets, the current status of attachment, particulars of any pending legal challenges thereto and the forum where such proceedings are pending. On the directions of the Monitoring Committee the Directorate of Enforcement shall also conduct valuation of each attached asset and furnish comprehensive valuation reports for such assets.

Remit of the Monitoring Committee:

135. The scope of functioning and the remit of the Monitoring Committee shall be as follows:

135.1. To verify and prepare a list of genuine homebuyers of the Greenopolis project, regardless of whether such persons have paid money towards purchase of units in the project to 3C Shelters or to Orris;

135.2. To maintain a list of the assets that have been attached by the Directorate of Enforcement in the PMLA proceedings, including particulars of the claimed owners of the particular assets; the updated status of attachment of each asset, *viz.,* whether any challenge is pending to the attachment of any particular asset and, if so, at what stage and before which forum; and to obtain a valuation of each such asset. The Directorate of Enforcement shall also furnish to the Monitoring Committee the details of any other assets that they may attach in their ongoing proceedings, which would also form part of the list of assets before the Monitoring Committee. It is made clear that no further role in relation to the attached assets is being ascribed to the Monitoring Committee*, at this stage*. Depending on the status of attachment of individual assets as may subsequently emerge, further directions may be issued by this court to the Monitoring Committee in relation to such assets;

135.3. The Monitoring Committee shall formulate an expeditious and transparent procedure to verify genuine homebuyers and the quantum of payments made by them, cross-referencing the material provided by the Directorate of Enforcement and the homebuyers. The homebuyers shall, within the timeline to be fixed by the Monitoring Committee and as per the *pro forma* prescribed by them, submit their claims at the designated office of the Monitoring

Committee, either in person or *via* registered post, accompanied by copies of supporting documentation such as agreements, challan/receipt of payment, and/or relevant bank account statements or any other document(s) which they seek to rely upon;

135.4. Every claimant/homebuyer shall file an affidavit, duly attested by a Notary Public, deposing that the claimant bears no relationship, affiliation, or nexus with the promoters of 3C Shelters, Orris, or any of their affiliate, associate or group entities. Every claimant/homebuyer shall also disclose whether the claimant is a property dealer or broker or otherwise engaged in the real estate business. The Monitoring Committee shall be empowered to call for further particulars, insist upon production of original documents, and conduct such summary scrutiny as it deems fit to satisfy itself in relation to the statements made on affidavit and assess the *bona fides* of each claimant/homebuyer. Any affidavit filed before the Monitoring Committee and any other information placed before it shall be treated as an affidavit and information filed before this court, with all its legal effect and consequences;

135.5. The Monitoring Committee shall be at liberty to requisition information, assistance, and records from any public authority or regulatory agency, including the State Police and the concerned Real Estate Regulatory Authority, as may be required for the discharge of its functions. All such authorities and agencies shall

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cooperate with and act in aid of the Monitoring Committee and shall render all necessary assistance;

135.6. The directions issued above are only broad guidelines, and the Chairperson shall have the discretion to formulate detailed procedures and modalities for performance of the tasks entrusted to the Monitoring Committee;

135.7. In the event of any divergence of views within the Monitoring Committee, the decision of the Chairperson shall be final;

135.8. At the discretion of the Chairperson, the Monitoring Committee shall be entitled to approach this court for appropriate orders and assistance in the event it faces any difficulty in implementing the tasks entrusted to it;

135.9. The Monitoring Committee shall endeavour to complete its role within 8 months from the date on which it first convenes; and

135.10. The Monitoring Committee shall file a report in relation to its functioning once every 03 months from the date on which it first convenes.

135.11. For functioning of the Monitoring Committee, the Directorate of Enforcement shall open a bank account in a nationalized bank in the name of the "*Account-Greenopolis Monitoring Committee*". All monies lying in account bearing No. 915020048715158 held in the name of 'M/s. Three C Shelters Pvt. Ltd.' at the Axis Bank *and* in account bearing No. 002113285491 held in name of 'OIPL Greenopolis project RERA Escrow Account' at the ICICI Bank shall be transferred to the aforesaid account to be opened by the Directorate of Enforcement. The two officers of the Directorate of Enforcement assigned to the Monitoring Committee shall be the joint signatories to such account, and shall operate the account on the written instructions of the Chairperson of the Monitoring Committee. The honorarium payable to the Members as well as to the Advocates, as mentioned below, and all costs and expenses for the functioning of the Monitoring Committee shall be defrayed from this account;

135.12. The Chairperson has very graciously offered to perform his role on a *pro bono* basis. The Chairperson shall however be entitled to out-of-pocket and other miscellaneous expenses, including travel costs of Rs. 25,000/- per month.

135.13. The two Members of the Monitoring Committee shall be entitled to an honorarium of Rs. 2.50 lacs per month *each*.

135.14. The Law Clerks engaged by the Monitoring Committee shall be entitled to a stipend of Rs.50,000/- per month *each*.

135.15. In addition, the Monitoring Committee shall be entitled to reimbursement of all costs, expenses, charges, and other outgoings that may be incurred for purposes of discharging its tasks.

136. The Directorate of Enforcement is directed to transfer the money lying in the above-mentioned bank accounts to the *Account-Greenopolis Monitoring Committee* referred to above, within 01 week.

137. Before closing this judgment, this court considers it appropriate to also direct the Directorate of Enforcement to move applications before the appellate forums/authorities where challenges are pending against their attachment orders relating to various assets, requesting for expeditious disposal of those cases, in light of the directions passed by this court in the present proceedings.

138. CRL. REV. P. No. 37/2026 and CRL. REV. P. No. 87/2026 are disposed-of in the above terms.

139. W.P.(CRL) No.02/2026 is re-notified as per daily order.

A. J. BHAMBHANI, J

SEPTEMBER 29, 2026
HMJ