

ITEM NO.101(PH) COURT NO.7 SECTION XI

SUPR EME COUR T OF I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 4561 OF 2008

ITC LIMITED Appellant (s)  
VERSUS  
STATE OF U.P. & ORS. Respondent(s)

(With Appl.(s) for impleadment and exemption from filing O T and urging addl. grounds and impleadment and permission to file additional documents and permission to file additional documents and with Prayer for Interim Relief)

WITH

C.A.No.4562/2008(With Appl.(s) for exemption from filing c/c of the impugned Judgment and permission to file additional documents and permission to file additional documents and urging addl. grounds),

C.A.No.4563/2008 (With Appl.(s) for urging addl. grounds and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4564/2008 (With Appl.(s) for urging addl. grounds and exemption from filing O T and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4565/2008 (With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and exemption from filing O T and permission to file additional documents and with Prayer for Interim Relief and,

C.A.No.4570/2008(With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4567/2008 (With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4569/2008 (With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4566/2008 (With Appl.(s) for urging addl. grounds and c/delay and directions and permission to file additional documents and with Prayer for

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Interim Relief and Office Report),

C.A.No.4568/2008 (With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4571/2008 (With Appl.(s) for urging addl. grounds and c/delay and permission to file additional documents and with Prayer for Interim Relief and Office Report),

C.A.No.4572/2008 (With Appl.(s) for permission to file additional documents and exemption from filing O T and urging addl. grounds and permission to file additional documents and with Prayer for Interim Relief and Office Report)

WITH C.A.No.4968/2008 (With Appl.(s) for urging addl. grounds and permission to file additional documents)

Date: 06/08/2009 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s) Mr. T.R. Andhyarujina, Sr. Adv.  
Mr. L.K. Bhushan, Adv.  
Ms. Swaty Malik, Adv.  
for M/S. Dua Associates, Adv.

For Indian Hotel Mr. Harish N. Salve, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Meenakshi Grover, Adv.  
Mr. Manu Aggarwal, Adv.  
Mr. Abeer Kumar, Adv.  
Mr. R.N. Karanjawala, Adv.  
Mrs Manik Karanjawala, Adv.  
Ms. Simran Brar, Adv.  
Mr. Vedanta Verma, Adv.  
for M/s. Karanjawala & Co.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Maninder Singh, Sr. Adv.  
Mr. Abhinav Mukerji, Adv.  
Ms. Gaurav Sharma, Adv.  
Ms. Surbhi Mehta, Adv.

In C.A.No.4564/08 Mr. Harish N. Salve, Sr. Adv.  
Ms. Bindu Saxena, Adv.  
Ms. Aparajita Swarup, Adv.

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Mr. Shailendra Swarup, Adv.  
Ms. Neha Khattar, Adv.  
Mr. D. Bhadra, Adv.

Mr. P.P. Rao, Sr. Adv.  
Mr. S.K. Agarwal, Sr. Adv.  
Mr. S.A. Hashmi, Adv.  
Mr. Ravinder Agarwal, Adv.  
Mr. Arun K. Sinha, Adv.  
Mr. Rakesh Singh, Adv.  
Mr. Sumit Sinha, Adv.

Mr. Dheeraj Malhotra, Adv.  
Mr. Aslam Ahmed, Adv.  
Mr. Babit Singh Jamwal, Adv.  
Mr. Gagan Gupta, Adv.  
Mr. D. Bhattacharya, Adv.  
Mr. M.K. Singh, Adv.

Mr. Pramod B. Agarwala, Adv.  
Mr. Rajul Shrivastav, Adv.  
Mr. Abhishek Baid, Adv.

For Respondent(s)  
(NOIDA)

Mr. K.K. Venugopal, Sr. Adv.  
Mr. Shail Kumar Dwivedi, Addl. AG  
Ms. Antra, Adv.  
Mr. Ameet Singh, Adv.  
Ms. Pareena Swarup, Adv.  
Mr. Praveen Swarup, Adv.

State of U.P. Mr. Gopal Subramaniam, SG  
Mr. Satish Chandra Mishra, Sr. Adv.  
Mr. Ratnakar Dash, Sr. Adv.  
Mr. Shail Kumar Dwivedi, Addl. AG  
Mr. D. Mehta, Adv.  
Ms. Pareena Swarup, Adv.  
Mr. Ameet Singh, Adv.

Mr. Nikhil Majithia, Adv.  
Mr. Anuvrat Sharma, Adv.

Mr. Ravinder Srivastava, Sr. Adv.  
Mr. Fakhruddin, Sr. Adv.  
Mr. Harish Malhotra, Sr. Adv.  
Mr. M.K. Choudhary, Adv.  
Mr. Tanuj Khurana, Adv.  
Mr. S.K. Verma, Adv.

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for Intervenor Mr. R.K. Yadav

In person Mr. Ashutosh Srivastava

UPON hearing counsel the Court made the following  
ORDER

Mr. Ravindra Shrivastava, learned senior counsel resumed his arguments at 10.50 a.m. and concluded at 12.05 p.m. Thereafter, Mr. Ashutosh Srivastava, respondent appearing in-person started his arguments and concluded at 2.25 p.m. Finally, Mr. Harish N. Salve, learned senior counsel started his submissions in rejoinder and concluded at 3.40 p.m. Thereafter, Mr. T.R. Andhyarujina, learned senior counsel submitted for about 10 minutes.

Arguments concluded. Judgement reserved.

NOIDA to produce the certified copies of minutes of the meetings No.133, 135, 136, 137, 141, 142 and 143 with particulars of the Members who attended alongwith relevant agenda notes and annexures (in Hindi with English translations). NOIDA to also disclose the resolution, if any, delegating authority's powers to the CEO. NOIDA shall also produce the letter dated 6.12.2006 from the Chief Executive Officer, NOIDA to the Principal Secretary (Tourism), Government of U.P.

NOIDA is also permitted to file a short affidavit relating to the financial bids received in regard to the auction of 11 plots in the year 2008.

The State Government/NOIDA to file correct  
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translations of the policy/executive instructions dated 22.5.2006.

All the aforesaid documents to be filed within one week.

The parties are permitted to file written submissions within one week.

( Ravi P. Verma )  
Court Master

( M.S. Negi )  
Court Master