

W.P.(C) No. 134/2018 (X)

W.P.(C) No. 131/2018 (X)

W.P.(C) No. 164/2018 (X)

W.P.(C) No. 199/2018 (X)

W.P.(C) No. 226/2018 (X)

W.P.(C) No. 245/2018 (X)

W.P.(C) No. 281/2018 (X)

W.P.(C) No. 246/2018 (X)

W.P.(C) No. 298/2018 (X)

W.P.(C) No. 267/2018 (X)

W.P.(C) No. 288/2018 (X)

W.P.(C) No. 460/2018 (X)

W.P.(C) No. 353/2018 (X)

W.P.(C) No. 742/2018 (X)

W.P.(C) No. 829/2018 (X)

W.P.(C) No. 1397/2018 (X)

Diary No(s). 36392/2019 (X)

CONMT.PET.(C) No. 483/2020 in W.P.(C) No. 940/2017 (X)

W.P.(C) No. 947/2017 (X)

W.P.(C) No. 942/2017 (PIL-W)

W.P.(C) No. 971/2017 (X)

W.P.(C) No. 8/2018 (X)

W.P.(C) No. 1242/2017 (X)

W.P.(C) No. 58/2018 (X)

W.P.(C) No. 21/2018 (X)

W.P.(C) No. 52/2018 (X)

W.P.(C) No. 56/2018 (X)

W.P.(C) No. 91/2018 (X)

W.P.(C) No. 57/2018 (X)

W.P.(C) No. 74/2018 (X)

W.P.(C) No. 160/2018 (X)

W.P.(C) No. 182/2018 (X)

W.P.(C) No. 1053/2021 (X)
(FOR ADMISSION and IA No.121032/2021-STAY APPLICATION)

Date : 25-10-2021 These matters were called on for hearing today.

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

PART-I

Note submitted by learned Court Receiver, Mr. R. Venkataramani, learned Senior Advocate.

A. FUNDING BY BANKS

On 03.09.2021 this Court was apprised of the discussions with the officials of the consortium of six banks [namely; Bank of Baroda, Punjab National Bank, Bank of India, State Bank of India, UCO Bank and Punjab & Sindh Bank].

The learned Court Receiver as well as the learned counsel appearing for the banks submit that the matter has been engaging the attention of the concerned for a while and that the final approval shall be accorded shortly.

Considering the fact that none of the banks has objected to the suggestion and as a matter of fact, favourable responses have been received from the banks, we direct the concerned banks to execute final documentation within two weeks from today. It is also directed that in case there is any difficulty, the matter be discussed with the learned Court Receiver by the officials of the bank at the level of the Managing Director.

List this matter after two weeks to report compliance.

B. The learned Court Receiver further submits that by December, 2021, possession of at least 300 apartments in Greater Noida will be handed over to the concerned Home-buyers and the final letters/communication in that behalf shall be sent to the concerned Home Buyers before Deepawali. This is in addition to the flats in NOIDA which were adverted to in the earlier Order.

learned Court Receiver acknowledges the contribution made by NBCC in making this possible.

PART-II

IA NOS. 97096, 97097, 97093, 100940, 100945 OF 2021 -APPLICATION FOR DIRECTION FILED BY MR. JOGINDER SINGH, PETITIONER-IN-PERSON [I-175]

Heard Mr. Joginder Singh, petitioner-in-person.

One of the areas of concern voiced by Mr. Joginder Singh pertains to the stamp duty leviable on transactions pertaining to the flats in Amrapali Projects and particularly those in Amrapali Zodiac in Noida Sector 120.

According to the petitioner, the stamp duty ought to be in conformity with the principles referred to in paragraphs 15 & 16 of the application. It is submitted that as against that stamp duty far in excess is being insisted upon.

Issue notice to State of U.P. confined to this issue.

Liberty to serve the learned Standing Counsel for the State.

It is clarified that the consideration of this issue shall not in any way affect or obstruct the on-going work of execution of conveyances with respect to Amrapali Projects.

PART-III

Re: I.A. Nos.108696 & 108703 of 2020 (Vol. No.I-147); I.A. Nos.108670 & 108681 of 2020 (Vol. No.I-148) - Applications by NOIDA/Greater NOIDA for Recalling of Court's Orders; Reply on behalf of ACE Group of Companies to the Applications (Vol. No.R-120);Affidavit in reply on behalf of Prateek Buildtech Pvt. Ltd. (Vol. No.R-128); Affidavit in reply on behalf of Prateek Realtors

India Pvt. Ltd. (Vol.No.R-129); Rejoinder Affidavit on behalf of Greater NOIDA to the reply filed by ACE Group in IA No.108696/2020 (Vol. No.R-134); Rejoinder Affidavit on behalf of NOIDA to the reply filed by ACE Group in IA No.108670/2020 (Vol. No.R-135); and Rejoinder Affidavit on behalf of NOIDA to the reply filed by Prateek Group in IA No.108670/2020 (Vol. No.R-136)

Heard Mr. Ranjit Kumar, learned Senior Advocate and Mr. Gaurav Mitra, learned Counsel appearing for the Prateek Group of Companies. Arguments concluded.

For the remainder submissions, list as first item on Board on the next occasion.

PART-IV

WRIT PETITION (C) NO.1053 OF 2021; I.A.No.125041/2021 IN WRIT PETITION (C) NO.940 OF 2017

This petition prays for quashing of E-mail dated 26.08.2021 which sought to disqualify the bid preferred by the present petitioner. The bids were invited by the National *Buildings Construction Corporation* Limited ("NBCC" for short) by Notice dated 16.07.2021 which *inter alia* prescribed that the interested bidders must fulfill certain minimum qualifying criteria.

One of the requirements pertained to "sales experience of minimum of three years in dealing with Housing units/Commercial spaces with total sale value of Rs.2,000 crores" and stated that the bidder must have earned brokage/fee of not less than Rs.100 crores in three financial years.

Note No.18 prescribed that certain information in the form of charts appended at Annexures V, VI and VII be furnished by the

bidders.

The bid submitted by the petitioner was rejected by the NBCC for the reason that the details given by the petitioner did not indicate that the sale value of the Housing units/Commercial Spaces sold by the petitioner was in excess of Rs.2,000 crores.

It is accepted that the bid submitted by the petitioner referred to only three projects namely, (i) Gaursons Realtech Pvt. Ltd., (ii) Parmesh Construction Company Ltd. and (iii) WTC Noida Development Company Ltd.

According to Mr. Chinmoy Pradip Sharma, learned Senior Advocate appearing for the petitioner, the information sought for in terms of Annexures V, VI and VII did not require furnishing of "Total sales Value" of the projects dealt with by the bidder and as such the information in that behalf was not submitted by the petitioner.

The subsequent communications placed on record however, indicate that the "Total Sales Value" pertaining to these three projects was not in excess of Rs.2,000 crores.

In the circumstances, we need not go into the question whether the annexures in question [i.e. Annexures V, VI and VII] were sufficiently clear to indicate what information was required to be supplied. Since the total value of sold units pertaining to these three units was not in excess of Rs.2,000 crores, the decision disqualifying the petitioner cannot be said to be

arbitrary.

We, therefore, dismiss this petition.

Accordingly, I.A.No. 125041/2021 in Writ Petition (C) No.940 OF 2017 preferred by the NBCC also stands disposed of.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER