

ITEM NO.301

COURT NO.3  
(HEARING THROUGH VIDEO CONFERENCING)

SECTION X

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

Writ Petition (Civil) No.940/2017

BIKRAM CHATTERJI &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

WITH

(Issues related to Funding by Banks; Surekha Family; Matter concerning re-employment/extension of services of Mr. R. K. Aggarwal; Matters related to La Residentia; Matter related to Mr. Ajay Kumar; IA No.114868/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.89379/2020 - FOR CLARIFICATION/DIRECTION; IA No.122225/2020 - FOR CLARIFICATION/DIRECTION; IA No.189314/2019 - FOR COMPLIANCE OF COURTS ORDER; IA No.109882/2020 - FOR INTERVENTION; IA No.114865/2020 - FOR INTERVENTION/IMPLEADMENT; IA No.122221/2020 - FOR INTERVENTION/IMPLEADMENT; IA No.122226/2020 - FOR MODIFICATION OF COURT'S ORDER; IA No.60700/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES; IA No. 127793/2019 - FOR RECALLING THE COURT'S ORDER; and, IA No. 127787/2019 - FOR RECALLING THE COURT'S ORDER)

SMC (Cr1) No.4/2018 (XVII)

W.P.(C) No.378/2018 (X)

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

W.P.(C) No.306/2018 (X)

SLP(C) No.1879/2018 (XVII)

W.P.(C) No.1018/2017 (X)

W.P.(C) No.1206/2017 (X)

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.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)**

**W.P.(C) No.502/2019 (X)**

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

**CONMT. PET.(C) No.483/2020 in W.P.(C) No.940/2017 (X)  
(IA No.109286/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/  
FACTS/ANNEXURES)**

**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.1041/2017 (X)**

**W.P.(C) No.1116/2017 (X)**

**W.P.(C) No.1144/2017 (X)**

**W.P.(C) No.1156/2017 (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)

Date : 04-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

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Senior Advocate (Court Receiver)

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Mr. Ravinder Bhatia, Forensic Auditor

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Mr. Paban K Sharma, Adv.  
Mr. Himanshu Shekhar, AOR

Mr. Siddhartha Dave, Sr. Adv.  
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Mr. Vikrant Yadav, Adv.  
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Mr. Vikramjit Banerjee, ASG  
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Mr. Mukul Singh, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. B.K. Prasad, AOR

Mr. V.K. Shukla, Sr. Adv.  
Mr. Shekhar G. Devasa, Adv.  
Mr. Rohit Pandey, Adv.  
Mr. Manish Tiwari, Adv.  
Mr. Luv Kumar, Adv.  
Mr. Varad Dwivedi, Adv.  
Ms. Sukriti Chauhan, Adv.  
Mr. Vaishali Singh, Adv.  
Mr. Ayush Kumar, Adv.  
Ms. Silvia, Adv.  
Mr. Vaibhav Maheshwari, Adv.  
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Md. Fuzail Khan, Adv.  
Ms. Anshu Gupta, Adv.

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Mr. V. Giri, Sr. Adv.  
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Mr. Dhruv Gandhi, Adv.  
Ms. Udita Singh, AOR

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Mr. Kavin Gulati, Sr. Adv.  
Mr. Amit Bhandari, Adv.  
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Ms. Ritu Arora, Adv.  
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Mr. Parikshit Ahuja, Adv.  
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Ms. Madhur Jhavar, Adv.  
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Mr. Amit Kumar, Adv.  
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Mr. Deepak Samota, Adv.  
Mr. Vijay Kumar Dwivedi, Adv.

Ms. Priyanka Das, Adv.  
Mr. Ram Ekbal Roy, Adv.  
Mr. Sandeep Jha, Adv.  
Ms. Neha Das, Adv.  
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Mr. Vardhan Gupta, Adv.  
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Mr. Ashok Kumar Singh, AOR

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Mr. Shadan Farasat, AOR

Mr. A.P. Mohanty, AOR

Mr. Gopal Jha, AOR

Mr. G. Balaji, AOR

Mr. Binay Kumar Das, AOR

Ms. Jasmine Damkewala, AOR

Mr. Prithvi Pal, AOR

Mr. Vivek Narayan Sharma, AOR

Ms. Sangeeta Singh, AOR

Mr. Shovan Mishra, AOR

Ms. Sayaree Basu Mallik, AOR

Mr. Naresh Kumar, AOR

Mr. Shishir Pinaki, AOR  
Ms. Pallavi Pratap, AOR  
Mr. Amit Pawan, AOR  
Mr. Kumar Mihir, AOR  
Mr. Sukant Vikram, AOR  
Mr. Manish Kumar Saran, AOR  
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Mr. Badri Prasad Singh, AOR  
Mr. Gaurav Goel, AOR  
Mr. Balaji Srinivasan, AOR  
Mr. Rabin Majumder, AOR  
Mr. Abhijit Sengupta, AOR  
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Mr. Mukesh Kumar Maroria, AOR  
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Mr. Sureshan P., AOR  
Mr. Vishnu Sharma, AOR  
Mr. Gaurav, AOR  
Mr. B. K. Satija, AOR  
Mr. Chandra Prakash, AOR  
Mr. Ejaz Maqbool, AOR  
Mr. Mishra Saurabh, AOR  
Ms. Rashmi Singh, AOR  
Mr. T. Mahipal, AOR  
Mr. Abhigya Kushwah, AOR  
Mr. Anas Tanwir, AOR  
Mr. Anoop Prakash Awasthi, AOR  
Mr. Sarvam Ritam Khare, AOR  
Ms. Anindita Pujari, AOR  
Mr. Siddhartha Jha, AOR  
Ms. Bharti Tyagi, AOR  
Mr. Dheeraj Nair, AOR  
Mr. Aneesh Mittal, AOR  
Ms. Suruchii Aggarwal, AOR  
Mr. Ajit Sharma, AOR

**PART-I**

**NOTE SUBMITTED BY MR. R. VENKATARAMANI, COURT RECEIVER  
(30<sup>th</sup> NOVEMBER 2020)**

**A. RE: FUNDING BY BANKS**

This issue was dealt with on last three occasions and the Indian Banks Association as well as the representatives of State Bank of India (merged), Bank of India, Bank of Maharashtra, Punjab National Bank (merged), Bank of Baroda (merged), Canara Bank (merged), Central Bank of India, Union Bank (merged), UCO Bank, Indian Overseas Bank, Axis Bank & HDFC Bank Ltd., were requested to have a meeting with the learned Receiver.

It is submitted by the learned Receiver that despite all his attempts, discussions are not proceeding further and no concrete solutions are emerging from the discussions.

Learned counsel appearing on behalf of Bank of Baroda (Mr. Bishwajit Dubey, Adv.), Bank of Maharashtra and Canara Bank (Mr. Brijesh Kumar Tamber, Adv.), HDFC Ltd. (Mr. Rahul Malhotra, Adv.), Axis Bank (Mr. Devendra Kumar Singh, Adv.), State Bank of India (Ms. Megha Karnwal, Adv.), Central Bank of India (Mr. O.P. Gaggar, Adv.), Punjab National Bank (Mr. M.T. George, Adv. and Ms. Arti Singh, Adv.), and, Indian Overseas Bank (Ms. Mayuri Raghuvanshi, Adv.), have assured this Court that the concerned representatives of their respective Banks

shall earnestly look into the matter so that the discussions take a concrete shape.

We, therefore, request the learned counsel as well as their concerned representatives to remain present and participate in the discussions with the learned Receiver as early as possible so that the agreed consensus can be presented for consideration by this Court.

The learned Receiver is at liberty to fix the meetings with advance intimation to the learned counsel for the Banks.

List this issue for consideration on 18.01.2021.

B. Re.: Re-Engagement/Extension of Services of Mr. R.K. Aggarwal, Senior Executive Director (Engg.), attached with NBCC

Pursuant to the observations made by this Court in its order dated 07.12.2020, a Report enclosing concerned Circular, has been filed on behalf of the NBCC.

Mr. Siddhartha Dave, learned Senior Advocate submits that Mr. R.K. Aggarwal, if he is so interested, can be engaged as Principal Expert on terms indicated in the Report and the documents appended thereto.

He further submits that Mr. Aggarwal however has not yet expressed his consent.

We request the learned Receiver to get in touch with Mr. Aggarwal so that the matter can be resolved on the next occasion.

List this issue for disposal on 11.01.2021.

C. Re.: COMMUNICATION RECEIVED REG. MR. PREM MISHRA

List this matter on 11.01.2021.

PART-II

NOTE SUBMITTED BY MR. M.L. LAHOTY, ADVOCATE

A. RECOVERY OF Rs.912.72 CRORES FROM DIRECTORS, CFO CHANDER WADHWA & OTHERS

This matter was dealt with on 23.11.2020 and it was directed to be proceeded further in the manner indicated in said order.

Mr. Manoj Singh, learned Advocate representing Mr. Anil Kumar Sharma and other related individuals, submits that appropriate response has been preferred and copies thereof have been served upon the learned Receiver and Mr. Pavan Aggarwal, Forensic Auditor.

The learned Receiver and Mr. Aggarwal agree that the matter shall be dealt with at the earliest and preferably within three months, whereafter a preliminary report, as suggested in the order dated 23.11.2020, shall be filed in this Court.

List this issue for further consideration on 01.02.2021.

**B. Re.: RECOVERY OF Rs.7.23 CRORES FROM M/s. ACE INFRACITY DEVELOPERS PVT. LTD.**

The Office Report indicates that a sum of Rs.5,00,00,000/- has been deposited by Mr. Keshav Mohan, learned Advocate on behalf of M/s. ACE Infracity Developers Pvt. Ltd. in terms of the order dated 02.11.2020.

Pursuant to the notice issued to Mr. Santosh Kumar Chaubey and Mr. Nishant Chaubey, Ms. Ranjana Roy Gowai, learned Advocate submits that she has instructions to enter appearance on their behalf. She prays for and is granted time to file an appropriate response.

List this matter for further consideration on 18.01.2021.

**C. Re.: IA Nos.122221, 122225 & 122226 of 2020 (Vol. No.Z-331)**

In keeping with the direction issued on the last occasion, an affidavit in compliance (Vol. No.R-137) has been filed on behalf of Mr. Ajay Kumar submitting *inter alia*:-

- "2. The deponent submits that neither he nor any of his relations, family members or any entities with which he is or was associated at any juncture, have or had any connection with any plot in Savanna Villa, Jaypee Greens, Noida.
3. The deponent further submits that he has/had no interest in property bearing no.E-014, Savanna Villa, Jaypee Greens, Noida."

The copies of the applications and the aforesaid affidavit be served upon Mr. Pavan Aggarwal, Forensic Auditor to enable him to assist this Court.

List this matter for further consideration on 11.01.2021.

D. Re.: IA Nos.109596 & 109599 of 2020 (Vol. No.Z-301 & R-116); I.A. No.109573 of 2020 (Vol. No.Z-302) and I.A. No.111339 of 2020 (Vol. No.Z-313)

Pursuant to the direction issued on the last occasion, an affidavit has been filed on behalf of M/s. Shahi Infrastructure Pvt. Ltd. ('the Company', for short)

Mr. Suren Uppal, learned Advocate, instructed by Mr. Praveen Chaturvedi, learned Advocate, appearing for the Company submits that he has not yet received copy of the response filed on behalf of Amrapali Group of Companies.

Mr. Manoj Singh, learned counsel appearing for Amrapali Group of Companies is directed to furnish a copy of the concerned response to the learned counsel appearing for the Company.

Mr. Rakesh Khanna and Mr. P.N. Misra, learned Senior Advocates appearing for the applicants, submit that copies of their applications have already been served upon the learned counsel.

Mr. Suren Uppal, learned counsel submits that I.A. No.201/2021 (Vol. No.339) has been filed by the Company for issuance of certain directions and said application may also be considered alongwith this matter.

List these applications for disposal on 11.01.2021.

E. RECOVERY OF LEASE RENTALS FROM ATTACHED PROPERTIES

While dealing with this issue in Part-V of the order dated 07.12.2020, this Court had directed issuance of notices to Punjab National Bank, Deoghar and, Corporation Bank, New Delhi.

A response (Vol. No.R-410) has been filed on behalf of the Punjab National Bank. Let a copy of said response be given to Mr. Pavan Aggarwal, Forensic Auditor.

Mr. Alok Kumar, learned Advocate appearing for the Corporation Bank, prays for and is granted a week's time to file the response, with advance copy to the learned Receiver and to Mr. Pavan Aggarwal, Forensic Auditor.

Mr. Arpit Rai, learned Advocate appearing for Vaishnavi Vahini Mount Life Hospitality Pvt. Ltd. shall also be given copies of the responses.

List this matter for consideration on 18.01.2021.

**F. Re.: LEASE RENTALS BY PROMHEX PLUS HEALTH CARE PVT. LTD.**

A letter has been received from the Registrar, Debt Recovery Tribunal stating that Rs.18,00,000/- have been deposited by Mr. Ajay Kohli, on behalf of Promhex Plus Health Care Pvt. Ltd. ('Promhex", for short) towards lease rentals. The break-up of the details given in the letter are as under:

<b>A. Details of Amount received in Amrapauli Account in DRT-3, Delhi</b>							
Sl. No.	Amount received from	Details of rent payment	Amount Due	Date	Amount Recd.	Balance	Date of remittance to SC
1.	Shri Ajay Kohli, Promhex Plus Health Care Pvt. Ltd.	July 2020	9,00,000	17.08.20 26.08.20	2,00,000 2,50,000	4,50,000	Lying with us.
		Aug. 2020	9,00,000	19.09.20 30.09.20	1,50,000 3,00,000	4,50,000	Lying with us
		Sep. 2020	9,00,000	22.10.20 31.10.20	1,00,000 1,00,000	7,00,000	-do-
		Oct. 2020	9,00,000	20.11.20	7,00,000	2,00,000	-do-
		<b>TOTAL</b>	3600000		1800000	1800000	1800000

Mr. Nirmal Kumar Ambastha, learned Advocate for Promhex submits that all the concerned details about Lease Rentals paid by Promhex shall be submitted on an affidavit within three days from today and all the arrears shall be cleared within three weeks and that an appropriate Undertaking to that effect shall be filed within a week.

The amount lying in deposit with the Registrar, Debt Recovery Tribunal, be transmitted to the Registry of this Court and shall be credited to the account maintained for Amrapali Group of Companies by the Registry.

Promhex is directed to deposit the Lease Rentals from January 2021 directly into said account maintained by the Registry of this Court and any such deposit shall be given due credit by the Debt Recovery Tribunal.

**PART-III**

**LA-RESIDENTIA PROJECT**

**[I.A. No.109882 of 2020 (Vol. No.Z-309 & Vol. No.R-103);  
and, I.A No.168186 of 2018 (Vol. No.Z-68)]**

List this matter on 11.01.2021 as Part-Heard, at the top of the Board.

**PART-IV**

**Re.: SUREKHA FAMILY**

List this matter on 18.01.2021.

**PART-V**

**IA No.89379 of 2020 (Vol. No.I-142)**

On 16.11.2020, certain observations were made by this Court while adjourning the matter so that the learned Receiver could look into the issue.

At the request of the learned Receiver, this issue is adjourned to 11.01.2021.

PART-VI

A. I.A. No.128992 of 2020 (Vol. No.I-159)

This application has been preferred by Odisha State Housing Board seeking extension of time for completing e-auction of land in compliance of orders dated 14.10.2019, 13.01.2020 and 13.08.2020 passed by this Court.

In the circumstances, the extension as prayed for is granted up to 31.03.2021.

An appropriate Status Report be filed in this Court on or before 07.04.2021.

List this matter for consideration on 12.04.2021.

B. Re: THE BIDS INVITED BY THE NEW RAIPUR DEVELOPMENT AUTHORITY

In order dated 14.10.2019, following observations were made by this Court:

"We have also heard Mr. Purushaindra Kaurav, learned senior counsel, appearing on behalf of the New Raipur Development Authority. It has been pointed out that a sum of Rs.19,38,74,175/-has been deposited with respect to three plots located in Sectors 24, 26 and 30. As against plot in Sector 24, Bank Guarantee of Rs.81,43,319/- has been furnished that has not been encashed. However, in the report of the Forensic Auditors it has been pointed out that a sum of Rs.24,30,38,988/- has been deposited by Amrapali Ultra Homes Private Limited. However, the licence agreement hasbeen terminated on 01.12.2017, during the pendency of the matter in this Court and it is submitted that the plots have not been auctioned so far.

Be that as it may, we also direct the New Raipur Development Authority to reconcile the account and to find out the exact position of the deposits made by the Amrapali Ultra Homes Private Limited that whether a sum of Rs.19,38,74,175/- has been deposited or Rs.24,30,38,988/-, as stated in the Forensic Auditors Report, and on reconciliation if some more amount is found the same shall be deposited in the Registry of this Court along with Rs.19,38,74,175/-, within four weeks, in the account opened by the Registry in UCO Bank. As the fresh auction has not been made, we direct the New Raipur Development Authority also to put the plots in question for auction, under the order the Amrapali Group shall not claim any rights against the Development Authority or against the purchaser. Let the bids be invited within a period of six weeks."

Mr. Mohit D. Ram, learned Advocate appearing for the New Raipur Development Authority submits that a sum of Rs.19,38,74,175/- has since then been deposited in the Registry of this Court. He also submits that a response in relation to the queries raised by this Court has also been filed.

Let a copy of the response be given to the learned Receiver and Mr. M.L. Lahoty, learned Advocate.

List this matter for further consideration on 11.01.2021.

#### PART-VII

#### Re: STATUS REPORT FILED BY THE ENFORCEMENT DIRECTORATE

On 23.11.2020, at the request of Mr. Sanjay Jain, learned ASG appearing for the Enforcement Directorate, time of four weeks was granted so that an appropriate Status Report could be filed.

Mr. Sanjay Jain, learned ASG submits that the Status Report shall be filed by tomorrow.

In the circumstances, time of three days is granted to the Enforcement Directorate to file the appropriate Status Report in a sealed cover.

List this matter for consideration on 11.01.2021, as indicated in the earlier order.

#### PART-VIII

##### I.A. No.77651 of 2020 (Vol. No.I-134)

This matter was dealt with by this Court in its order dated 07.09.2020 and the applicant M/s. Mahagun Real Estate Pvt. Ltd. was granted relief on the conditions stipulated in said order.

It is a matter of record that a sum of Rs.35 Crores was deposited by the applicant in the Registry of this Court by 31.10.2020 and the second instalment has also been deposited and a communication to that extent has been received by the Registry from Mr. Ashok Mathur, learned Advocate representing the applicant.

The first two instalments as described in the order dated 07.09.2020 have thus been deposited.

List this matter for consideration on 05.04.2021.

#### PART-IX

##### I.A. Nos.67992 and 67998 of 2020 (Vol. Nos.I-127 & I-128)

At the request of the learned Court Receiver, list this matter for consideration on 11.01.2021.

**PART-X**

**I.A. No.110188 OF 2020 (Vol. No.Z-310)**

**List on 18.01.2021**

**PART-XI**

**Re.: RELEASE OF PAYMENT OF ARREARS TO THE COURT RECEIVER**

The Office Report indicates that the payments to the Staff of the learned Court Receiver were being made through the account of M/s. Amrapali Hospitality Services Pvt. Ltd. and the balance in the said account as of now is Rs.1,36,359/-.

It is directed that all payments to the Staff of the learned Court Receiver shall hereafter be made through the account maintained by the Registrar of this Court with UCO Bank, Supreme Court (Account No.02070210002834) and not from any other Bank.

**PART-XII**

All the remaining Interlocutory Applications on Board are adjourned for two weeks.

**(MUKESH NASA)  
COURT MASTER**

**(VIRENDER SINGH)  
BRANCH OFFICER**