

ITEM NO.301

¹
COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 63/2024 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)

SLP(C) No. 1879/2018 (XVII)
(IA No. 65984/2022 - CLARIFICATION/DIRECTION)

W.P.(C) No. 1041/2017 (X)

W.P.(C) No. 1018/2017 (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. 1206/2017 (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. 134/2018 (X)
W.P.(C) No. 131/2018 (X)
W.P.(C) No. 160/2018 (X)
W.P.(C) No. 164/2018 (X)
W.P.(C) No. 182/2018 (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. 306/2018 (X)
W.P.(C) No. 246/2018 (X)
W.P.(C) No. 298/2018 (X)
W.P.(C) No. 267/2018 (X)
(IA No. 91055/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON)
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. 378/2018 (X)
W.P.(C) No. 742/2018 (X)
W.P.(C) No. 829/2018 (X)
SMC(CrI) No. 4/2018 (XVII)
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)
CONMT.PET.(C) No. 47/2023 in W.P.(C) No. 1374/2021 (X)

Diary No(s). 26776/2024 (XIV)

Date : 09-01-2025 These petitions was called on for hearing today.

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

I.

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

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

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

W.P.(C) No. 1041/2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

W.P.(C) No. 226/2018
W.P.(C) No. 245/2018
W.P.(C) No. 281/2018
W.P.(C) No. 306/2018
W.P.(C) No. 246/2018
W.P.(C) No. 298/2018
W.P.(C) No. 267/2018
W.P.(C) No. 288/2018
W.P.(C) No. 460/2018
W.P.(C) No. 353/2018
W.P.(C) No. 378/2018
W.P.(C) No. 742/2018
W.P.(C) No. 829/2018
W.P.(C) No. 1397/2018
D No. 36392/2019

We are not inclined to entertain these Writ Petitions filed under Article-32 of the Constitution of India, more particularly, when the projects involved in these Writ Petitions are being monitored by this Court in the proceedings being Writ Petition (C) No.940/2017.

Accordingly, the Writ Petitions are dismissed.

It goes without saying that the petitioners who have filed these Writ Petitions, shall be at liberty to take recourse to any other remedy, as may be permissible under the law.

Pending application(s), if any, shall stand closed.

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

Learned counsel for the petitioner(s) states that the order relating to the rate of interest has already been recalled by this Court and as such, nothing survives in this petition for consideration.

The said statement is taken on record.

In view of the above, this Contempt Petition is disposed of as having become infructuous and accordingly, stands closed.

III. Writ Petition (Civil) No. 940/2017

i. Pursuant to the order passed by this Court on 17.12.2024, the NBCC has submitted its status report with regard to the permission sought/ obtained by them, as also showing the details and status for the FAR projects in Greater Noida and Noida, existing as on 07.01.2025.

ii. As per the said status report, the NBCC has submitted the drawings of all five projects of Greater Noida (GNIDA) and one project of NOIDA Authority through the online portal of the concerned Authorities.

iii. The NBCC has deposited the processing fees as

intimated by GNIDA and NOIDA for the Projects- Golf Homes, Centurian Park, Dream Valley, Leisure Valley, Leisure Park and Silicon City Projects.

iv. As per the said status report, No Objection Certificates (NOCs) from the Fire Department, Airport Authority of India and verification of structural design from IIT/NIT, have already been obtained with regard to the said six projects. However, the NOCs for Environment clearance with the regard to all these six projects, are still not received from the concerned Authority i.e. State Environment Impact Assessment Authority (SEIAA)/ Directorate of Environment, Lucknow, Uttar Pradesh.

In view of the above status report, the concerned Authority i.e. SEIAA, Uttar Pradesh is directed to give necessary Environment clearance as per the directions given by this Court vide the order dated 29.08.2024, as expeditiously as possible and preferably within two months from the date of receipt of a copy of the application filed by the NBCC seeking such clearance. It is needless to state that the NBCC shall comply with the statutory requirements.

v. Similarly, with regard to the status of the sanction of the drawings, it has been stated in the status report that GNIDA has granted the sanction of the project in Golf

Homes, Greater Noida. However, sanctions of the drawings with regard to the other four projects in Greater Noida namely, Centurian Park, Dream Valley, Leisure Valley, Leisure Park, and one project in Noida i.e. Silicon City Projects, are yet to be granted.

In this regard, it is submitted by the learned senior counsel, Mr. Ravindra Kumar, appearing for GNIDA that the Authority has asked for the compliance from the NBCC on certain aspects which, the NBCC is supposed to comply with. The learned senior counsel, Mr. Siddhartha Dave, appearing for the NBCC, submits and undertakes that the same shall be complied with by the NBCC, if not complied so far, as expeditiously as possible. Similarly, with respect to the Project at Silicon City, the NOIDA shall also grant sanction of drawings on the due compliance, if any required to be made by the NBCC. The concerned Authorities at GNIDA and NOIDA shall comply with the directions issued by this Court earlier on 29.08.2024.

vi. It is stated in the status report that the NBCC has invited the tenders for appointment of contractors for all the said six projects.

vii. The status with regard to the existing ongoing/completed projects is concerned, it has been stated that

for certain projects as shown in the Status Report, the work is complete but some work is still pending and going on so far as other projects are concerned. It is also stated that few home-buyers have not turned up for taking possession despite continuous reminders having been issued by the NBCC, and the office of the learned Court-Receiver.

We request the learned Court Receiver-Mr. R Venkataramani, to submit project wise latest status report as regards the units which have not been taken over by the home-buyers despite the efforts being made by the office of learned Court Receiver as well as by the NBCC, before the next date of hearing, i.e. 30.01.2025.

IV. I.A. Nos. 247880 and 247877 of 2024 in W.P.(C) No. 940 of 2017

These applications have been filed by the applicant-Centurian Park Lowrise Apartment Owners Association, seeking intervention as also the prayers/ reliefs, as has been stated in the application.

Learned senior counsel, Mr. Siddhartha Dave, appearing for NBCC and the learned Court Receiver-Mr. N. Venkataramani state that the issues raised in these applications were discussed in the Minutes of the Meeting dated 29.11.2024, which was held in the presence of the President, Vice President and other members of the

applicant's Association and, that the issue of Occupancy certificate is also being followed up with the concerned Authorities i.e. GNIDA/ NOIDA.

In view of the above statement made by the learned senior counsel as also by the learned Court Receiver, we are not inclined to give any further directions in these applications.

The applications are disposed of accordingly.

It is expected that the concerned Authorities shall resolve the issue and do the needful for issuance of necessary Occupancy certificate(s), after taking into consideration the compliance of statutory requirements, as expeditiously as possible.

V. I.A. Nos. 269302 and 269298 of 2024 W.P.(C) No. 940/2017

These applications have been filed by the applicant-Amrapali Golf Homes & Kingswood AAOA, seeking intervention as also the prayers/ reliefs, as has been mentioned in the application.

Learned senior counsel, Mr. Siddhartha Dave, appearing for the NBCC, seeks time to take proper instructions and file response to these applications, if necessary. He shall also do the needful, as may be

required.

List on 30.01.2025.

VI. I.A. No.67998/2020 in W.P.(C) No. 940 of 2017

1. Learned counsel, Mr. Devendra Kumar Singh, appearing for the applicant states that during the pendency of this application, a settlement has taken place between the parties and in view of the same, he seeks permission to withdraw this application

2. The said statement is taken on record.

3. In view of the above, permission to withdraw the application, as sought for, is granted.

3. Accordingly, the application is dismissed as withdrawn.

VII. CONMT.PET.(C) No. 63/2024 in W.P.(C) No. 940/2017

SLP(C) No. 1879/2018

SMC(CrI) No. 4/2018

CONMT.PET.(C) No. 47/2023 in W.P.(C) No. 1374/2021

Diary No. 26776/2024

List these matters along with W.P.(C) No. 940/2017
on 30.01.2025 at 02:00 p.m. before the same combination
of Bench.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
COURT MASTER (NSH)