

ITEM NO.301+302

COURT NO.6

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 SItem No.301 :

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

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions, permission to file appln. for direction, permission to assess the portal facility, vacating stay and modification/clarification)

WITH

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

(With appln.(s) for directions & modification/clarification)

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

(With appln.(s) for appropriate orders/directions, clarification, and appln. on behalf of R.13 seeking permission to pursue company appln.No.17 (P.B.) of 2018)

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

(With appln.(s) for directions)

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

(With appln.(s) for directions and for permission to file addl. documents)

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

(With appln.(s) for directions)

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

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

(With appln.(s) for directions)

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

(With appln.(s) for clarification of order dated 12.2.2018)

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

(With appln.(s) for directions)

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)
(With appln.(s) for directions)

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

W.P.(C) No.91/2018 (X)
(With appln.(s) for impleadment)

W.P.(C) No.57/2018 (X)
(With appln.(s) for directions)

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

W.P.(C) No.134/2018 (X)
(With appln.(s) for permission to file addl. documents)

W.P.(C) No.131/2018 (X)
(With appln.(s) for stay/directions)

W.P.(C) No.160/2018 (X)
(With appln.(s) for permission to file subsequent events on record)

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

W.P.(C) No.182/2018 (X)
(With appln.(s) for directions)

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)
(With appln.(s) for stay)

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)

W.P.(C) No.288/2018 (X)
(With appln.(s) for impleadment and directions)

W.P.(C) No.353/2018 (X)
(With appln.(s) for stay)

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

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

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

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

W.P.(C) No.866/2018 (X)

Item No.302 :

Suo Moto Contempt (Cr1.)No.4/2018

Date : 20-11-2018 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UDAY UMESH LALIT

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Mr. Dharmendra Kumar Sinha, AOR
Mr. Ejaz Maqbool, AOR

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

1. We have passed various orders on 22.11.2017, 31.1.2018, 22.2.2018, 27.3.2018, 2.5.2018, 10.5.2018, 17.5.2018, 18.7.2018, 1.8.2018, 2.8.2018, 8.8.2018, 21.8.2018, 6.9.2018, 12.9.2018, 26.9.2018, 9.10.2018, 10.10.2018, 11.10.2018, 24.10.2018, 26.10.2018, 31.10.2018, and on 13.11.2018. The directions have been issued to furnish the information, as mentioned in the aforesaid orders. Either the orders have not been complied with or the information that has been submitted is vague. We have recorded in the previous orders dated 28.10.2018 and 13.11.2018 in which terms the affidavit was required to be filed with detailed information, but still as on today inspite of the case having been listed for non-compliance of the orders, the requisite information has not been filed. We have on 13.11.2018 not allowed the prayer of the Amrapali Group of Companies to grant them further three weeks' time. As we have granted sufficient time on 31.10.2018, as is apparent from the previous orders, various directions have been issued and more than sufficient time has already been made available to the

Amrapali Group of Companies. Suo motu contempt has also been drawn by this Court on 11.10.2018. That matter is also listed today.

2. Before proceeding further, as the non-compliance of the aforesaid orders which have been passed from time to time issuing various directions/orders, certain acts were required to be done, that has not been done and there is non-compliance with respect to furnishing of the information and making statements which have been directed. We give one last opportunity today to the Amrapali Group of Companies to make compliance of the various directions which have been issued from time to time and also the information be furnished and disclosures be made finally in this Court before the next date fixed. This is the "last opportunity" afforded to do so. We need not reiterate various directions which we have mentioned in our orders, mentioned above. We direct that the compliance of each and every direction be made. All aforesaid orders form part of this order and need not be reiterated here. Any further non-compliance will aggravate the contempt of orders passed by this Court.

3. It appears that various sub-lessees have been created. It was informed to us by learned senior counsel appearing on behalf of the Amrapali Group of Companies that certain structures have been raised by the sub-lessees. We have asked them to disclose all the information on affidavit, but order still remains uncomplied. Various

directions in this regard have been issued in paragraph 7 of the order dated 13.11.2018. There are various other directions issued time to time also and compliance thereof is still wanting, though time fixed is over.

4. In the circumstances, we give one last opportunity to the Amrapali Group of Companies, particularly to all the Directors of the company and also those who have filed reply in the Suo Motu Contempt. They have to file their further affidavits in compliance of the aforesaid directions as to what they have done and to make the disclosure as envisaged in various orders.

5. We also make it clear that it has to be disclosed in clear terms with effect from 1.4.2008 till date to this Court all the activities of funding by the Amrapali Group of Companies, involving Directors of companies and their family members related to constructions of commercial, business and residential, etc. either in personal capacity or in the capacity of Directors of the company, their family members, relation and that by statutory auditors and Shri Chander Wadhwa, CFO, of Amrapali Group, or by way of finances the money has been transacted to other companies/entities for any kind of activities relating to business or whatsoever may be its nature. May be that as on today the asset which has been created is standing in some other name or has been alienated or its name has been changed and that the disclosure is not only to be made with respect to NOIDA or Greater NOIDA, but it should

include the asset or activity in India or anywhere in the world. It is made clear that in case there is any non-disclosure and in case in the forensic audit it is found that there is non-disclosure and suppression and the information submitted is found to be false, obviously the writing is on the wall and we have told learned counsel appearing on behalf of the Amrapali Group of Companies that their clients have to make complete disclosure in terms of the orders and make clear averments in terms of orders which have been passed earlier and in the order that has been passed today.

6. We are informed that certain banks have not furnished statement and certain firms, who have supplied the material or services, are not responding to the queries made by Forensic Auditors. We make it clear to all concerned that whatever query is made or information is sought by the Forensic Auditors shall be treated as made on behalf of this Court and all such persons, entities, bodies, authorities, banks, etc., shall be liable to make the compliance of the requisitions made as Forensic Auditors are nothing but extension of the authority of this Court. They are enjoying the power and authority conferred by this Court and making the investigation on behalf of this Court. Any non-cooperation with them by any person/entity shall be shall deemed to be and treated as violation of the direction/order issued by this Court. Any non-cooperation and non-supplying information to Forensic Auditors shall be

treated as contempt of this Court. We request the auditors to refer to the order/annex the copy of the order while making correspondence.

7. A list has been furnished today of the bank accounts of which details have not been furnished in terms of the order dated 31.10.2018. We request the Registrar of this Court to requisition the information from the various banks of the account numbers as mentioned in the list appended to this order, marked as "Annexure-I". Let the Registrar collect requisite statement with effect from 1.4.2008 till date and in case bank account has been opened at a later date, from the date of opening till date. Let request be made to the Bank(s) to furnish the statement of accounts within seven days as soon as information is received and be handed over to the forensic Auditors.

8. It was also pointed out by Shri Bhatia that manpower is not supplied to them by the Amrapali Group of Companies and single person who was deputed has also been withdrawn. It was stated by learned counsel for Amrapali Group that four persons shall be posted continuously with the Forensic Auditors team till the work is complete. We expect full cooperation from Amrapali Group of Companies.

9. Let all the proceedings of Debt Recovery Tribunal (DRT) be placed on record before the next date and the also compliance of directions which have been made before DRT. Details of compliance made by the Amrapali Group of Companies before DRT be furnished as it was pointed out

that even before DRT orders have not been complied with, it be made clear and explained why they have not complied with the directions of this Court even before Debts Recovery Tribunal.

10. It is made clear that on 5.12.2018, the case will be heard for suo motu contempt and for violation of the various orders reflected in this order.

11. Manager's Cheque No.016567 dated 20.11.2018 in a sum of Rs.1 crore (Rupees One Crore) has been brought by the counsel appearing on behalf of Shri Chander Prakash Wadhwa, CFO, today in the Court. It is in the name of the Drawing and Disbursing Officer, Supreme Court of India, New Delhi. We are informed that an account has been opened in the name of Amrapali Group of Companies. Let the cheque be deposited and credited to the said account. A photocopy of the aforesaid Manager's cheque is taken on record. We further direct that a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) each to be paid as honorarium to Shri Ravi Bhatia and Shri Pawan Kumar Agarwal.

12. It was stated by Shri M.L. Lahoty that current electricity charges are being paid.

13. Let copies of all the affidavit filed by Amrapali Group of Companies and its Directors be furnished to the learned counsel appearing for NOIDA and Greater NOIDA authorities within three days from today. Let NOIDA as well as Greater NOIDA authorities state with respect to the correctness of various statements made as well as F.A.R.

available and also as to the encumbrances.

14. List on 5.12.2018. Affidavits be filed on or before
3.12.2018.

(Jagdish Chander)
Branch Officer

(Sarita Purohit)
AR-cum-PS

****Annexure-I and photocopy of the Manager's cheque are enclosed with the R/P.**