

ITEM NO.301

COURT NO.8

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

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,
intervention/impleadment 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 and impleadment/intervention)

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)

Date : 26-09-2018 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT**

Mr. Pawanshree Agrawal,Adv. (A.C.)

For appearing parties :

**Bank of
Baroda**

**Mr. Bishwajit Dubey,Adv.
Ms. Srideepa Bhattacharyya,Adv.
Mr. Aditya Marwah,Adv.
Mr. Manpreet Lamba,Adv.
Ms. Ashita Chawla,Adv.
for M/s. Cyril Amarchand Mangaldas,AOR**

NBCC

**Ms. Pinky Anand,ASG
Mr. Shardul S. Shroff,Adv.
Ms. Binsy Susan,Adv.
Mr. Akshay Sharma,Adv.
Ms. Neha Sharma,Adv.
Mr. Saudamini Sharma,Adv.
For M/s. Shardul S. Shroff & Co.,AOR**

UOI

**Mr. Vikramjit Banerjee,ASG
Ms. V. Mohana,Sr.Adv.
Mr. S.S. Shamsery,Adv.
Mr. Mukul Singh,Adv.
Mr. Ayush Anand,Adv.
Mr. Anil Katiyar,AOR
Mr. Rajbhadhur Yadav, Adv.
Mr. Arvind Kumar Sharma,AOR
Mr. Siddartha Sinha,Adv.
Ms. Shruti Agarwal,Adv.
Mr. B.V. Balaram Das,AOR**

**Mr. Sidharth Luthra,Sr.Adv.
Mr. Kunal Mimani, Adv.
Mr. Dheeraj Nair,AOR**

Ms. Iti Agarwal, Adv.
Ms. Tamana Goyal, Adv.
Mr. Chandra Prakash, Adv.
M/s. DSK Legal, AOR

Mr. V.N. Sinha, Sr. Adv.
Mr. Sandeep Jha, Adv.
Mr. Ram Ekbal Roy, Adv.
Mr. Binay Kumar Das, AOR

Mr. Sanjiv Sen, Sr. Adv.
Mr. Raj Kamal, AOR
Mr. Maheen Pradhan, Adv.
Mr. Benant Noor Singh Marok, Adv.
Mr. Varun Jyagi, Adv.

Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. G. Balaji, AOR
Ms. Shiva Vijaya Suman, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Mr. Alok K. Agarwal, Adv.
Mr. Gaurav Goel, AOR
Mr. Apoorv Rastogi, Adv.
Mr. Harshal Kumar, Adv.
Mr. Suchi Sejwar, Adv.
Ms. Arpita Dixit, Adv.

Mr. Amit Sibal, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Manmeet Singh, Adv.
Mr. Robin Frey, Adv.
Mr. Anukrit Gupta, Adv.
Mr. Sohan Kumar, Adv.
For Ms. Rakhi Ray, AOR
Mr. Anugrah Robin Frey, Adv.

Mr. Ratnakar Das, Sr. Adv.
Mr. Rohit Pandey, Adv.
Mr. Amit Kumar Pandey, Adv.
Mr. Anushruti Tripathi, Adv.
Ms. Shweta, Adv.
Mr. Prabhu Singh, Adv.
Mr. Balraj Diwan, AOR

Mr. Sukant Vikram, AOR

Mr. M.L. Lahoty, Adv.
Mr. Praban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR

Mr. Qamar Ali, Adv.

Mr. Smarhar Singh, AOR
Mr. Binay Kumar, Adv.
Mr. Ashutosh Thakur, Adv.

Mr. Pradeep Misra, Adv.
Mr. Daleep Dhyani, Adv.

Ms. Vandana Sehgal, Adv.
Mr. Gunjan Ahuja, Adv.

Mr. Kumar Mihir, Adv.
Ms. Sayaree Basu Mallik, AOR

Mr. Chandan Kumar, AOR
Mr. Rituraj Choudhary, Adv.
Mr. Rituraj Biswas, Adv.

Ms. Indrani Mukherjee, Adv.
Ms. Tatini Basu, AOR

Mr. Aneesh Mittal, AOR
Ms. Shreya Sharma, Adv.
Mr. Nitin Jain, Adv.

Ms. Madhurendra Kumar, Adv.
Mr. Prakash Kumar Singh, AOR

Mr. Dinesh K. Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, AOR
Mr. Deepak Mishra, Adv.

Ms. Perna Mehta, AOR
Mr. Rohit Singh, Adv.

Mr. Vivek Narayan Sharma, AOR
Mr. Rajeev Kumar Jha, Adv.
Mr. Pragyan Utsav Mishra, Adv.
Mr. Maneesh Pathak, Adv.
Ms. Monika Jain, Adv.
Mr. Ajay Singh, Adv.
Dr. Shesh Mani Pandey, Adv.
Mr. Sidharth Majajan, Adv.

Mr. S.S. Ray, Adv.
Mr. Vaibhav Gulia, Adv.
Ms. Praveena Gautam, AOR

Mr. E.R. Sumathy, AOR
Ms. Savita Aggarwal, Adv.

Mr. Vijay Kumar, AOR
Mr. Thomas Oommen, Adv.
For Mr. Aniruddha P. Mayee, AOR

Mr. Girish Chand Tyagi, Adv.
Mr. Brijesh Tyagi, Adv.
Mr. Kailash Prasad Pandey, AOR

Mr. Aditya Sharma, Adv.
Mr. Sanjay Kumar Dubey, AOR

Mr. Sumant Bhushan, Adv.
Mr. Pavan Bhushan, Adv.
Ms. Neha Meenan, Adv.
For Mr. Talha Rahman, AOR

Mr. Nitin Bajpai, Adv.
Mr. Neha Tanvar, Adv.
Mr. R.K. Banju, AOR

Mr. R. Sathish, AOR
Mr. Mohan Das K.K., Adv.
Mr. Rajesh Kumar, Adv.
Mrs. S. Geetha, Adv.
Mrs. Smitha Rani, Adv.

Ms. Sangeeta Singh, Adv.
For Mr. Prakash Ranjan Nayak, AOR

Mr. Abhinav Shrivastava, AOR
Mr. Rahul Gupta, Adv.

Mr. Varchaswa Singh, Adv.
Mr. Changhez Khan, Adv.

Dr. Ashwani Bhardwaj, AOR
Mr. Amit Goel, Adv.

Mr. Abhishek Sharma, Adv.
Mr. Manoj Singh, Adv.
Mr. Abhay Singh, Adv.

Mr. P. Sureshan, AOR
Mr. Vikas Nigam, Adv.
Mr. Yogesh Aggarwal, Adv.

Mr. Krishnan Mishra, Adv.
Mr. Param K. Mishra, Adv.
Mr. Shashank Singh, Adv.
Ms. Anisha Upadhyay, AOR

Ms. Divyakant Lahoti, AOR
Ms. Amrita Grover, Adv.
Mr. Parikshit Ahuja, Adv.

Ms. Shobha Gupta, AOR
Mr. Sourav Roy, Adv.
Mr. Pritesh Kumar, Adv.

Mr. Gaurav Bhatia, AOR
Mr. Abhishek Singh, Adv.
Mr. Utkarsh Jaiswal, Adv.

Mr. Paras Choudhary, Adv.
Mr. Abhishek Raj, Adv.
Mr. Siddarth Agrawal, Adv.
for Mr. Vishal Gupta, AOR

Mr. Vishnu Sharma, AOR
Mr. Sourav Roy, Adv.
Ms. Anupama Sharma, Adv.
Ms. Sonali Negi
Mr. Mohit Rai, Adv.
Ms. Rangoili Seth, Adv.

Mr. Somiran Sharma, AOR
Ms. Priyanka Das, Adv.
Ms. Rajee Mehrotra, Adv.

Mr. Sahil Sethi, Adv.
Mr. Shivam Sharma, Adv.
Ms. Astha Sharma, AOR
Mr. Abhishek Manchand, Adv.

Mr. Manoj, Adv.
Mr. T. Mahipal, AOR

Mr. Rajesh Kumar Gupta, AOR
Mr. Mahendra Kumar, Adv.

Mr. Pallavi Pratap, AOR
Mr. Sumit Saurav, Adv.

Ms. Roohina Dua, Adv.
Mr. Kunwar Aditya Singh, Adv.
Mr. Ejaz Maqbool, AOR

Mr. Badri Prasad Singh, AOR
Ms. Shaila Arora, Adv.
Ms. Nalini Singh, Adv.

Mr. R.P. Goyal, AOR
Mr. Ashwarya Sinha, AOR

Ms. Suruchi Aggarwal, AOR
Ms. Usha Nandini V., AOR
Mr. Gautam Narayan, AOR
Mr. Shadan Farasat, AOR
Mr. Shishir Pinaki, AOR
Mr. Shovan Mishra, AOR
Mr. Gopal Jha, AOR
Mr. A.P. Mohanty, AOR
Mr. Ashok Kumar Singh, AOR
Mr. Pallav Mongia, AOR
Mr. Sibbo Sankar Mishra, AOR
Mr. Tahir Ashraf Siddqui, AOR
Mr. Sokant Vikram, AOR
Mr. Anshul Tyagi, AOR
Mr. Balaji Srinivasan, AOR
Mr. Rohit Amit Sthalekar, AOR
Mr. Aman Gupta, AOR
Mr. Ravindra Kumar, AOR
Mr. Rabin Majumder, AOR
Mr. Akhilesh Kumar Pandey, AOR
Mr. Dharmendra Kumar Sinha, AOR
Mr. Avijit Mani Tripathi, AOR
Mr. Prithvi Pal, AOR
Mr. Abdul Azeem Kalebudde, AOR
Mr. Manish Kr. Saran, AOR
Mr. Suman Tripathy, AOR
Mr. Navin Kumar, AOR
Ms. Shobha, AOR
Mr. Sumit Sinha, AOR

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

Heard the learned counsel for the parties.

It was pointed out by Mr. M.L.Lahoty, learned senior counsel that there are certain existing Directors, namely, Mr. Anurag Sanghai, Mr. Vinay Vishal and Mr. Sankalp Shukla, particulars of their properties etc have not been filed as ordered by this Court and there are several other existing or former directors whose names have not been disclosed. Let the names of all the directors be disclosed without remiss before the next date fixed alongwith details of

asset etc. as already ordered by this Court.

It was also pointed out by Mr. Lahoty in I.A. No.116688/2018 that 'O' 2 valley particulars have not been disclosed by the group of companies. Let reply to the said I.A be filed by the Amrapali Group of companies and details of 'O' 2 Valley be also disclosed.

It was also pointed out that DRT has initiated the proceedings and has directed the production of the original documents, sanctioned plans and other relevant documents available with Amrapali Group of Companies. It was also submitted that valuation has also been ordered. We direct Amrapali Group of companies and the Directors viz. Mr. Anil Kumar Sharma, Ms. Shiv Priya and Mr. Ajay Kumar to submit Maps clearly delineating unencumbered portion of their properties and other details which have been asked by the DRT. Let them be present before the DRT on each and every date until and unless it is specifically dispensed with by the DRT. Let the order of DRT be complied with by the Amrapali Group of company before 4.10.2018.

With respect to the handing over the documents by the statutory Auditors as well as by the Amrapali Group of companies we note it regrettably that order passed by this Court has been violated and the documents have not been handed over in spite of clear and categorical direction to handover the documents to forensic auditors within ten days. However, it was pointed out by Mr. Gaurav Bhatia, learned counsel that statutory auditors are going to hand

over document etc w.e.f. 2008 to 2015 by tomorrow to the forensic auditors. Let all the necessary documents which may be in possession of Amrapali Group of companies in addition to statutory auditors be also handed over from 2008-2015 and also all the papers of Amrapali Group of companies 2015-2018 by tomorrow. We make it clear that the documents with respect to 2015-2018 shall be handed over by the Amrapali Group companies alongwith all the original documents necessary to do audit shall be handed over to the forensic auditors by tomorrow. Let account books in whatever status they are, at present, be also handed over.

We request the forensic auditors to send their representative on the next date of hearing to apprise us of compliance of this order.

Before IRB certain proceedings are pending for recovery of dues and inter alia, there are dues of Bank of Maharashtra etc also as pointed out including that of Bank of Baroda.

Let the details of all the outstanding dues of secured and unsecured creditors project-wise and in total be submitted in this Court in a tabular form. Let total outstanding dues be stated, including that of Noida and Greater Noida authorities supported by affidavit.

Mr. Anoop Kumar Mittal, Chairman of the NBCC and Ms. Pinky Anand, ASG are present. It was pointed out on behalf of the NBCC that detailed project report has to be prepared of Group A Project within 30 days and Group B and C

Projects within 60 days. It was also pointed out that tenders may be permitted to be floated by NBCC Group A and B projects. The NBCC is permitted to float the tenders and also to go ahead with the preparation of the DPRs and also to submit detailed proposals, terms and conditions in this Court as prayed by them. Existing architects of amrapali Group of Companies to ensure cooperation with the NBCC. Non-cooperation shall be viewed seriously by this Court.

Let DRT go ahead with the process of finding out the encumbrances. We also permit the Bank of Maharashtra and all other such creditors who may have charge on the unencumbered property to state their claim before DRT.

Let reply be filed in IA No.139255/2018, 117300/2018, 95140/2018, 135446/2018, 138400/2018.

All applications for impleadments to the extent of intervention are allowed.

List on 9.10.2018.

(B.PARVATHI)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER