

ITEM NO.2

COURT NO.14

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(Civil) No.940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 12.30 P.M.])

WITH

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

(IA No. 133124/2024 - CONDONATION OF DELAY IN FILING, IA No. 133126/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 133130/2024 - INTERVENTION/IMPLEADMENT & IA No. 133125/2024 - PERMISSION TO FILE PETITION)

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

(FOR CLARIFICATION/DIRECTION ON IA 65984/2022)

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

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

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

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

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

(FOR)

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

(FOR FOR INTERVENTION APPLICATION ON IA 109888/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 109891/2020

FOR INTERVENTION APPLICATION ON IA 109904/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 109910/2020

FOR INTERVENTION APPLICATION ON IA 109918/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 109920/2020

FOR INTERVENTION APPLICATION ON IA 109943/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 109946/2020

FOR INTERVENTION APPLICATION ON IA 109953/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 109954/2020

FOR INTERVENTION APPLICATION ON IA 111419/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 111420/2020

FOR INTERVENTION APPLICATION ON IA 111424/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 111425/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 22043/2021

FOR CLARIFICATION/DIRECTION ON IA 88303/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 47545/2023 IA

No. 109891/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.

109954/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.

109946/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.

22043/2021 - APPROPRIATE ORDERS/DIRECTIONS IA No.

109920/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.

111425/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.
 109910/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.
 111420/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No.
 88303/2021 - CLARIFICATION/DIRECTION IA No. 109904/2020 -
 INTERVENTION APPLICATION IA No. 111419/2020 - INTERVENTION
 APPLICATION IA No. 109888/2020 - INTERVENTION APPLICATION IA
 No. 109953/2020 - INTERVENTION APPLICATION IA No.
 109943/2020 - INTERVENTION APPLICATION IA No. 109918/2020 -
 INTERVENTION APPLICATION IA No. 111424/2020 - INTERVENTION
 APPLICATION)
 W.P. (C) No. 58/2018 (X)
 W.P. (C) No. 245/2018 (X)
 (FOR CLARIFICATION/DIRECTION ON IA 27275/2022)
 W.P. (C) No. 306/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 150594/2022 & FOR
 APPROPRIATE ORDERS/DIRECTIONS ON IA 160872/2022
 W.P. (C) No. 288/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 84512/2020)
 W.P. (C) No. 460/2018 (X)
 W.P. (C) No. 353/2018 (X)
 W.P. (C) No. 829/2018 (X)
 W.P. (C) No. 1397/2018 (X)
 CONMT.PET. (C) No. 47/2023 in W.P. (C) No. 1374/2021 (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. 74/2018 (X)
 W.P. (C) No. 164/2018 (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. 267/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 88108/2018 & FOR
 PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 91055/2018
 W.P. (C) No. 742/2018 (X)
 W.P. (C) No. 947/2017 (X)
 W.P. (C) No. 971/2017 (X)
 W.P. (C) No. 1018/2017 (X)
 FOR INTERVENTION APPLICATION ON IA 110188/2020 & FOR
 INTERVENTION APPLICATION ON IA 119263/2020
 W.P. (C) No. 8/2018 (X)
 W.P. (C) No. 56/2018 (X)
 W.P. (C) No. 91/2018 (X)
 (FOR CLARIFICATION/DIRECTION ON IA 109232/2022 & FOR
 CLARIFICATION/DIRECTION ON IA 109264/2022
 W.P. (C) No. 57/2018 (X)
 W.P. (C) No. 134/2018 (X)
 (IA FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 27193/2022)
 W.P. (C) No. 131/2018 (X)
 W.P. (C) No. 160/2018 (X)
 (FOR MODIFICATION OF COURT ORDER ON IA 87532/2020 & FOR
 EXEMPTION FROM FILING AFFIDAVIT ON IA 87533/2020

W.P. (C) No. 182/2018 (X)
 W.P. (C) No. 199/2018 (X)
 W.P. (C) No. 942/2017 (PIL-W)
 (FOR

FOR CLARIFICATION/DIRECTION ON IA 14915/2018 FOR
 CLARIFICATION/DIRECTION ON IA 35933/2018
 FOR [I/A ON BEHALF OF RESP. NO 13 SEEKING PERMISSION TO
 PURSUE COMPANY APPLI. NO. 17(P.B) OF 2018 AND] ON IA
 41987/2018 FOR CLARIFICATION/DIRECTION ON IA 55476/2018
 FOR CLARIFICATION/DIRECTION ON IA 112014/2018
 FOR CLARIFICATION/DIRECTION ON IA 125675/2018
 FOR INTERVENTION APPLICATION ON IA 110167/2020
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 78918/2021
 FOR PERMISSION FOR WITHDRAWAL OF AMOUNT ON IA 100809/2021
 FOR impleading party ON IA 117798/2021 IA No. 78918/2021 -
 APPROPRIATE ORDERS/DIRECTIONS IA No. 35933/2018 -
 CLARIFICATION/DIRECTION IA No. 14915/2018 -
 CLARIFICATION/DIRECTION IA No. 125675/2018 -
 CLARIFICATION/DIRECTION, IA No. 112014/2018 -
 CLARIFICATION/DIRECTION IA No. 55476/2018 -
 CLARIFICATION/DIRECTION

IA No. 41987/2018 - I/A ON BEHALF OF RESP. NO 13 SEEKING
 PERMISSION TO PURSUE COMPANY APPLI. NO. 17(P.B) OF 2018 AND
 IA No. 110167/2020 - INTERVENTION APPLICATION IA No.
 117798/2021 - INTERVENTION/IMPLEADMENT IA No. 100809/2021 -
 PERMISSION FOR WITHDRAWAL OF AMOUNT)

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

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

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 29660/2021)

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

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

(IA No. 8062/2024 - EXEMPTION FROM FILING O.T. & IA
 No. 1154/2024 - PERMISSION TO FILE APPLICATION FOR
 DIRECTION)

Date : 29-08-2024 This petition was called on for hearing
 today.

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Ms. Bharti Tyagi, AOR
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Ms. Astha Sharma, AOR

Ms. Sujata Kurdukar, AOR

Mr. Abhigya Kushwah, AOR
Mrs. Sunita Yadav, Adv.
Mr. Pradeep Kumar Dubey, Adv.
Mr. Siddharth Rajkumar Murarka, Adv.
Mr. Rohan Rohatgi, Adv.

Mrs. Shubhangini Rohatgi, Adv.
Mr. Ravindra Kumar Gupta, Adv.

Mr. Arpit Rai, Adv.
Ms. Tushima, Adv.
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Mr. Aviral Kashyap, AOR

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Mr. Agnibha Chatterjee, Adv.

Mr. Divyesh Pratap Singh, AOR

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Mr. R D Jatain, Adv.
Mr. Sandeep Sinhmar, Adv.
Ms. Vasundhara Rana, Adv.
Ms. Mandeera Sinhmar, Adv.
Mr. Satish Hooda, Adv.
Mr. Vikram Singh Rawat, Adv.
Mr. Hukum Deo Prasad, Adv.
Mr. Abhaya Nath Das, Adv.
Mr. Sunil Kumar Das, Adv.
Mr. B C Bhatt, Adv.
Mr. Kapil Dev Yadav, Adv.
Mr. N D Kaushik, Adv.
Mr. Vinod Kumar Shukla, Adv.
Mr. S S Bandyopadhyay, Adv.
Mr. Ankit Verma, Adv.
Mrs. Barnali Basak, Adv.
Ms. Arina Bhattacharjee, Adv.
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Ms. Pooja Singh, Adv.
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Mr. Satish C. Kaushik, Adv.

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Ms. Anchita Nayyar, Adv.
Ms. Gauri Bedi, Adv.
Ms. Akansha Gulati, Adv.
Ms. Aadya Kapoor, Adv.
Mr. Rohit Pandey, Adv.

Mr. Parag Tripathi, Sr. Adv.
Mr. Joy Basu, Sr. Adv.
Mr. Ashok Mathur, AOR
Mr. Kanik Bose, Adv.
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Ms. Priyanka Das, Adv.
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Mr. Sukant Vikram, AOR
Mr. Badri Prasad Singh, AOR
Mr. T. Mahipal, AOR
Mr. S. K. Verma, AOR
Mr. Aditya Jain-1, AOR
Mr. Kedar Nath Tripathy, AOR

Mr. Tushar Singh, AOR
Ms. Khyati Jain, Adv.
Ms. Akshra Arshi, Adv.

Mr. Pai Amit, AOR

Mrs. Neena Gupta, Adv.
Mr. Athar Alam, Adv.
Mrs. Sumbul Athar, Adv.
Mr. Aslam Ahmed Jamal, AOR
Ms. Shabieta Nabi, Adv.
Mr. Jayant Chourasia, Adv.
Ms. Latika Rungta Bajaj, Adv.
Mr. Abhishek Dwivedi, Adv.
Mr. Zeeshan Haider, Adv.
Mr. Satyapal Singh, Adv.
Mr. A Kafeel, Adv.
Mr. Arun Kumar Arunachal, Adv.

Ms. Indrani Mukherjee, Adv.
Ms. Tatini Basu, AOR
Mr. Bharat J Joshi, Adv.
Mr. Kumar Shashank, Adv.

Mr. Sarvam Ritam Khare, AOR
Mr. Sureshan P., AOR
Mr. Manoj Singh, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Parth Sarathi, Adv.
Mr. Gyanendra Vikram Singh, Adv.
Mrs. Soumya Gulati, Adv.

Mr. Rahul Shukla, Adv.

Mr. Ramandeep Singh, Adv.

Ms. Shantha Devi Raman, Adv.

Mr. Mayank Ranjan Yadav, Adv.

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

1. In deference to the Court's order dated 14-8-2024, the learned Court Receiver - Mr. R. Venkataramani, the Officers of the National Building Construction Corporation, Noida, Greater Noida, and the learned Advocates Mr. M.L. Lahoty and Mr. Kumar Mihir, for the Home buyers, Mr. Siddhartha Dave, learned Senior counsel for the NBCC and Mr. Ravindra Kumar, the learned Senior counsel for the Noida and Greater Noida, had held a meeting on 26-8-2024 to narrow down the issues involved in the Amrapali matters. A copy of the minutes of the said meeting has been placed on record by the learned Court Receiver. The Minutes of the Meeting have been signed by all the concerned. The same is reproduced for ready reference.

Minutes of meeting:

"As per the order dated 14.08.2024 of Hon'ble Supreme Court of India, a meeting was organized on 26.08.2024 at office of Ld. Court Receiver, 10, Motilal Nehru Marg, New Delhi regarding sanction of the building plans/layout of purchasable FAR projects at Noida and Greater Noida. The following officials were present in the meeting:-

1. Sh. R. Venkataramani, Ld. Court Receiver
2. Sh. K.P. Mahadeva Swamy, CMD-NBCC
3. Sh. N.G. Ravi Kumar, CEO-GNIDA AND Officials of GNIDA
4. Sh. Lokesh M., CEO - Noida Authority and Officials of Noida
5. Sh. (Dr.) Suman Kumar, Director- NBCC and officials of NBCC
6. Sh. D.K. Mishra, Committee Member

7. Sh. M L Lahoty, Ld. Counsel of Home Buyers
8. Sh. Siddhartha Dave, Ld. Senior counsel of NBCC
9. Sh. Ravindra Kumar, Ld. Senior counsel of Noida and Greater Noida
10. Sh. Kumar Mihir, Ld. Counsel of Home Buyers

After detail discussion, the following has been decided:

1. Regarding Processing Fee: it has been decided that the process fee will be paid upfront to the respective Authority.
2. Regarding Cost of Purchasable FAR: Ld. Court Receiver has appraised that Amrapali projects are in financial crunch, also, the Ld. Court Receiver has obtained loan from various banks and funding agencies. In view of above it was proposed that the total balance amount against the purchasable FAR shall be paid by Ld. Court Receiver in two equal instalments. 1 installment will be paid in January 2025 and 2nd installment will be paid in March 2025.

The total cost of purchasable FAR of Greater Noida Projects as per compliance affidavit submitted by GNIDA, is Rs 509.02 Cr plus GST @18% (Rs. 600.64 Cr including 18% GST). Out of which, Ld. Court Receiver has already paid an amount of Rs. 115.72 Cr including 18% GST (Full amount for Golf Homes i.e. Rs. 90.72 Cr and 1st instalment for Centurian Park i.e. Rs. 25.00 Cr). The balance amount of Rs. 484.92 Cr will be paid in 2 equal installments as per below mentioned schedule.

Similarly, total cost of purchasable FAR of Noida Project i.e. Silicon City as per compliance affidavit submitted by Noida Authority, is Rs 218.85 Cr plus GST @18% (Rs. 258.24 Cr including 18% GST), which will be paid in 2 equal

installments as per below mentioned schedule.
The schedule of Installment is mentioned below:

S.N	Installment month	To be paid to Greater Noida Authority	To be paid to Noida Authority
1.	January 2025	242.46	129.12
2.	March 2025	242.46	129.12
	Total	484.92	258.24

In this regard, it was decided that the Hon'ble Supreme Court may be requested to kindly pass suitable directions on this issue.

3. Regarding NOCs: After discussion, it was decided that NBCC will submit the following NOCs at the earliest:

- a. NOC from Fire Department.
- b. NOC from Airport Authority of India for Height Clearance.
- c. Verification of Structural design from the IIT/NIT.

Notwithstanding the same, Noida and Greater Noida Authority shall start the process of checking of drawings which have been submitted by NBCC. Also, Noida and Greater Noida Authority shall sanction building plans/layouts within 30 days after submission of these NOCS project wise.

4. Regarding Environment Clearance: It was discussed that these projects are left out/stalled projects of erstwhile Amrapali Group. The Amrapali Group has already obtained the Environment Clearance (EC) from Directorate Environment, UP which are expired as on date due to non-compliance by erstwhile Amrapali. It was submitted that the process for obtaining of fresh EC may take 5-6 months. However, the projects are already facing

severe financial crunch. It was further submitted that the launch of FAR projects is urgently required for completing the ongoing projects, to pay the cost of purchasable FAR to Noida and Greater Noida, repayment of loan of banks etc. obtained by the Ld. Receiver. Therefore, a request may be made that Hon'ble Court may pass suitable direction to Directorate of Environment, UP (State Level Environment Impact Assessment Authority, Uttar Pradesh) to provide the EC within two month's time from date of submission of application the special case of Amrapall works. It has been agreed that Environment Clearance shall be submitted by NBCC in due course. An affidavit in this regard shall be submitted to the respective Authority by NBCC.

5. Regarding Consent of existing Home Buyers and Newspaper publication: In this regard, CEO- Noida and Greater Noida Authority has appraised that consent of 2/3rd existing home buyers and newspaper advertisement are required as per UP Apartment Act-2020 for sanction of building layout.

In this regard, Sh. M L Lahoty on behalf of majority of home buyers has apprised that the consent has already been given and the Hon'ble Supreme Court had also noted his statement in order dated 29.03.2023.

Further, NBCC also informed that the individual consent of each and every home buyer has already been given in their respective Builder Buyer Agreement.

In this regard, a request may be made to the Hon'ble Supreme Court to pass the suitable direction to exempt the requirement for consent from 2/3rd home buyers and newspaper advertisement

only for Amrapali Projects considering the special and unique circumstances.

6. Regarding Tech Park Project: CEO-GNIDA has requested to Id. Court Receiver that Tech Park project will be allotted to GNIDA. In this regard, Sh. M L Lahoty submitted that more than 500 buyers are claiming in Tech Park and they want to develop the Tech Park Project. Id. Court Receiver has submitted that due to financial crunch of existing ongoing Amrapall projects, development of Tech Park is not possible immediately. However, it may be taken up in due course once the liquidity position improves.

The meeting ended with thanks to the chair and the participants"

2. The learned Senior counsel - Mr. Ravindra Kumar has also placed on record the compliance affidavits on behalf of Noida and Greater Noida Authorities which are also taken on record.

3. The learned counsels for the parties have drawn the attention of the Court that all the officers were by and large in agreement to what has been recorded in the Minutes of Meeting, however, for the sake of clarification they have sought some directions.

4. So far as Point No.1 with regard to processing fee is concerned, they have agreed to what has been stated in the Minutes.

5. As regards Point No.2 i.e. Cost of purchasable FAR, the learned Court Receiver has submitted that due to the financial crunches, the request is made to permit the Court Receiver to make payment by two installments, first by January, 2025 and the second by March, 2025, as stated in the minutes.

6. This being a court monitored Project, we do not see any impediment in granting such installments as requested for. Accordingly, the payments be made by Id. Court Receiver.

7. As regards the Point No.3 i.e., 'No Objection Certificate' to be submitted by the NBCC of the Fire Department and Airport Authority of India and verification of structural design from IIT/NTT, it has been agreed upon that NBCC shall furnish the same at the earliest and the Noida and Greater Noida Authorities shall sanction the Building plans within 30 days after the submission of the said 'NOCs' project-wise by NBCC.

8. As regards the Point No.4, Environmental Clearance, it has been stated that the process for obtaining fresh Environmental clearance takes 5 to 6 months. Having regard to the peculiar facts and circumstances of the case, we request the Directorate of Environment, U.P. (State Level Environment Impact Assessment Authority, U.P.) to provide EC as expeditiously as possible and preferably within two months from the date of submission of the application in respect of Amrapali works.

9. So far as Point No.5 requirement of the consent of 2/3rd existing home buyers and Publication of Advertisement in the Newspaper is concerned, it may be noted that in the order dated 20-3-2023, it has been recorded as under:-

"In addition, an objection is that for additional admissible FAR (0.75) for which the demand has been raised, it could not have been possible to sanction unless there is a consent from the apartment/owners' association/home buyers.

Mr. M.L. Lahoty, appearing for the home buyers in his note has stated that they have no objection in reference to all the seven projects provided the constructions are raised in the area in terms of the building plans/layout plans to be approved/sanctioned by the Noida/Greater Noida Authority provided all the amenities/facilities, including the ground area of existing home buyers is not disturbed. This goes without saying that while utilizing 3.5 FAR, the amenities/facilities including the ground area available for the home buyers is always to be protected in terms of the building Regulations."

10. It further appears that during the course of above referred meeting also the learned counsel - Mr. M.L. Lahoty and the learned counsel - Mr. Kumar Mihir appearing for the home buyers had apprised the members of the meeting present, that the consent has already been given by the home buyers as required. Hence, no further order is required to be passed. However, it may be noted that this is a Court monitored Project and therefore the directions given/observations made in these proceedings having regard to the peculiar facts and circumstances, shall not be cited as a precedent in any other cases.

13. The Point No.6 with regard to Tech Park Project is, for the time being deferred.

14. We appreciate the efforts made by the all concerned for narrowing down issues and finding out positive solutions in the larger interest of the Home buyers.

15. List on 3-10-2024 at 2.00 p.m., on which date the Ld. Receiver may submit the status report with regard to the above issues.

16. Ms. Shantha Devi Raman appearing for the applicant(s) states that she has filed I.A. No.267391/2023 seeking permission to withdraw (i) I.A. No.37913/2021 for impleadment and (ii) I.A. No.37917/2021 for appropriate order/direction

17. In view of the above, I.A. No.267391/2023 seeking permission to withdraw the said I.As is allowed.

18. I.A. No.37913/2021 for impleadment and I.A. No.37917/2021 for appropriate order/direction are, accordingly, dismissed as withdrawn.

19. As prayed for, let the Interlocutory Application No.60996/2023 filed by the Odisha State Housing Board be listed on 12-9-2024.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(MAMTA RAWAT)
COURT MASTER (NSH)