

ITEM NO.10

COURT NO.9

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

BIKRAM CHATTERJI &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(and IA No.6608/2018-CLARIFICATION/DIRECTION and IA No.6855/2018-IA FOR GRANTING PERMISSION TO ACCESS THE PORTAL FACILITY[AT 2.00 P.M.] WITH

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

(FOR ADMISSION and IA No.124191/2017-INTERVENTION APPLICATION and IA No.124195/2017-CLARIFICATION/DIRECTION and IA No.125372/2017-impleading party and IA No.126340/2017-impleading party and IA No.7355/2018-CLARIFICATION/DIRECTION and IA No.19415/2018-impleading party)

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

(FOR ADMISSION and IA No.102714/2017-CLARIFICATION/DIRECTION)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100453/2017 and IA No.6312/2018-CLARIFICATION/DIRECTION)

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

(FOR ADMISSION and IA No.109963/2017- and IA No.25742/2018-CLARIFICATION/DIRECTION)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 124701/2017)

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

(FOR ADMISSION and IA No.6467/2018-impleading party and IA No.16303/2018-impleading party and IA No.25807/2018-impleading party)

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

(and IA No.7144/2018-impleading party and IA No.26102/2018-impleading party and IA No.26108/2018-impleading party)

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

(FOR ADMISSION and IA No.135678/2017-APPROPRIATE ORDERS/DIRECTIONS)

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

(FOR ADMISSION and IA No.25205/2018-impleading party)

**W.P.(C) No. 21/2018 (X)  
(FOR ADMISSION)**

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

**W.P.(C) No. 91/2018 (X)  
(IA No.26117/2018-INTERVENTION/IMPLEADMENT and IA No.26540/2018-  
INTERVENTION/IMPLEADMENT)**

**W.P.(C) No. 57/2018 (X)  
(FOR ADMISSION)**

**W.P.(C) No. 56/2018 (X)  
(FOR ADMISSION and IA No.12210/2018-EXEMPTION FROM FILING O.T. and  
IA No.26128/2018-impleading party)**

**W.P.(C) No. 58/2018 (X)  
(FOR ADMISSION and IA No.12323/2018-EXEMPTION FROM FILING O.T.and  
IA No.26123/2018-impleading party)**

**W.P.(C) No. 52/2018 (X)  
(FOR ADMISSION and IA No.11332/2018-EXEMPTION FROM FILING O.T.**

**W.P.(C) No. 131/2018 (X)  
(IA No.25109/2018-APPLICATION FOR STAY/DIRECTIONS)**

**W.P.(C) No. 134/2018 (X)  
(IA No.27092/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)**

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

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

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

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

**with**

**W.P.(C ) No. 246/2018**

**W.P.(C ) No. 226/2018**

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

**W.P. (C ) No,306/2018**

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

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

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

**W.P. (C ) No.267/2018**

**W.P. (C ) No.288/2018**

**W.P. (C ) No.281/2018**

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

**W.P. (C ) No.353/2018**

Date : 10-05-2018 These matters were called on for hearing today.

CORAM :

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

Heard learned counsel for the parties.

I.A.No. 66000/2018 in WP(C)No.940/2017, I.A.No. 68025/2018 in W.P. (C)No.182/2018, I.A.No.68175/2018 in WP(C)No. 134/2018, I.A.No. 64608/2018 in WP(C)No. 246/2018 I.A.No.68150/2018 in WP(C)No.52/2018 I.A.No.69072/2018 in WP(C)No.164/2018 I.A.No. 64172/2018 in WP(C)No.91/2018, I.A.No. 64368/2018 in WP(C)No. 1144/2017, I.A.No.64161/2018 in WP(C)No. 52/2018 -Applications for impleadment are allowed to the extent of intervention only.

Charts have been placed by the promoters as well as by the NOIDA Authority with respect to the lifts which are operational and which are under process and the lifts which are yet to be installed.

We have perused the charts given by the Amarpali Sapphire Developers Pvt. Ltd. in respect of Tower Nos. A to L which indicates that six lifts are yet to be installed; however, there are more towers in the same project i.e. Tower Nos. M to Z, Noida Authority was unable to inspect the said Towers. Let the Noida Authority to make inspection of the aforesaid Towers M to Z and submit a report in this regard on or before 15.05.2018.

In Tower Nos. C, E, G, H, K and L of M/s. Amarpali Sapphire Developers Pvt. Ltd., there is provision of three lifts in each Tower. Out of three one lift is yet to be installed and only two lifts are operational in the aforesaid Towers. The aforesaid figures are not disputed.

It is stated by the promoters that they have already furnished an undertaking that within twelve months these lifts would be installed.

With respect to Towers M to Z of M/s. Amarpali Sapphire Developers Pvt. Ltd. it is stated that work is under progress for them and balance lifts are to be installed within 12 months and the operational lifts are stated to be two. Noida Authority to make verification in this regard and submit its report on or before 15.5.2018.

With respect to M/s. Amrapalli Platinum Pvt. Ltd. the Noida Authority has submitted the report with respect to ten towers i.e. Tower A to J and Club. There is provision of three lifts in each Tower. As per the report of the Noida Authority in Tower A one is under maintenance and two are functioning. In Tower C out of three lifts, two are functioning one is not functioning. In Tower D, out of three, two are functioning and one is to be installed. In Tower E, two are functioning and one is not installed. In Tower F, two are functioning and one is defective. And in Club, out of three lifts, two are functioning one is not installed. In Tower A,C & F, since there are defects in the lifts and maintenance is going on, let the three sanctioned lifts be made operational in each aforesaid Towers A,C & F within a period of one month from today as assured by Mr. Gaurav Bhatia, learned counsel appearing on behalf of the Promoters.

There are some low rise buildings in Amarpali Platinum Pvt. Ltd.(G+2) and in that there is provision of total nine lifts in each building and only five lifts are installed and have not

made operational as buildings are not yet occupied by the inhabitants and work is going on and in remaining low rise buildings, lifts are to be installed.

With respect to M/s. Amrapalli Zodiac Developers Pvt. Ltd. Noida Authority has given a chart of 22 Towers and there is provision of 51 lifts; out of that 36 lifts are reported to be functional and 15 lifts are to be installed. And additional one lift is under maintenance. The additional lift which is under maintenance in Tower L is undertaken to be made functional within one month from today and two have already been installed. It is undertaking to make it functional within one month.

With respect to Towers B,Q & R, it is stated by the promoters that both the lifts of Tower B and one lift of Tower Q and one lift of Tower R are available at site. Installation work is going to be completed within two months from today as the work is in progress. Hence, it is directed that let the aforesaid lifts are installed as assured within two months from today in the aforesaid Towers B,Q & R.

It is also stated on behalf of promoters that in Tower C, O and P, some lifts are working as mentioned in the chart submitted by the promoters and installation of remaining lifts are in progress which they are going to complete within two months. Remaining lifts are going to be installed as early as possible.

With respect to M/s. Amarpali Princley Estate Pvt.Ltd, Noida Authority has submitted the report with respect to Towers A to S. According to Noida Authority there is provision of three lifts in each Tower and two are functioning in each Rower and one

is not yet installed. However, with respect to Towers L, R and S, it is stated by promoters that number of lifts to be installed as per plan as two in each tower and there is conflict in the report of Noida Authority. There is provision of two lifts only. With respect to Tower L,R & S the stand of the builder is that there is provision of two lifts in each Tower, out of two, one is operational and one is to be installed.

Certain more towers of M/s. Amarpali Princley Estate Pvt.Ltd are to be inspected by the Noida Authority on or before 15.05.2018 and report would be submitted.

Let the Noida Authority to verify as to the provision for how many lifts have been made in Towers L,R & S and submit its report in this Court on the next date of hearing.

Let Noida Authority also make a report with respect to the stage of construction of the aforesaid Towers and submit in this court on the next date of hearing.

M/s. Amarpali Eden Park Pvt. Ltd. as per the report of the Noida Authority in Tower A to D there is provision of two lifts and both the lifts are functional. The fact is not disputed at bar and is placed on record.

With respect to M/s. Amarpali Silicon Pvt. Ltd., we defer the order. Let other Towers be inspected by the Noida Authority and report be submitted.

Inspection reports have been submitted with respect to the various projects annexed as Annexure -C/2 alongwith letter dated 8.5.2018 of Chief Firefighter Officer, Gautambudh Nagar, the same has been placed on record. There are various deficiencies

pointed out in each of the reports. On consideration of the deficiencies, we direct the promoters to remove these defects and to submit its proposal in this court on or before 15.05.2018. Let a tower wise comprehensive proposal with respect to each and every defect as pointed out be submitted by the promoters.

With respect to power back up we request the officer of the concerned authority to inspect and submit the tower-wise report.

With respect to Towers which are inhabited, obviously promotor is bound to apply for electricity, water as well as sewer connections/facilities. However promoters has prayed for time to submit a detailed affidavit in this regard on or before 15.05.2018. Let detailed proposal in this regard supported by an affidavit be placed on record and the proposal of the builder to apply and provide electricity, water as well as sewer connections/facilities.

The promoters/builders can not make any transaction/alienation regarding the projects without express permission of the Court. As and when promotor/builder proposes to do so they shall submit the entire proposal in this court.

It is made clear that our order be followed in pith and substance with respect to all projects.

Greater Noida Authority also submits its affidavit. Office to accept the same waiving technical objection as to the number of case as is being filed.

Promotor has submitted comprehensive plan of developers and financier; Let promotor also submit flow of the finances. The details of property which is unencumbered and if encumbered what

are the details of the encumbrances which of the property can be utilised for raising the finances. Let promoters also give its proposal which projects are not viable and they proposes to refund the amount to the buyers. In this regard also a detailed statement supported by affidavit be submitted in this court on or before the next date of hearing.

Group of promoters for various projects as well as promoters and developers for Amarpalli Heart Beat City shall file a statement of the total price of the flats, total amount paid to the builder by the flat buyers, total amount spent by the builder on the construction so far made and how the remaining part of the money has been utilised. Its out flow should be stated and who are the beneficiaries of the transfers of the said amount and on what account the money has been transferred and utilised. Let statement be made with respect to all the projects by the aforesaid promoters/builders supported by an affidavit and requisite documents and if audit reports are available be also placed on record. It is also submitted that the Noida Authority is also undertaking to submit the report of the audit made by it so far. Let the affidavit of Managing Director or the person in management be placed on record with respect to all the projects and promoters/developers as to aforesaid aspects. It appears on certain documents that money has been transferred to other companies, the details of composition of the transferee company including the names of the Director and for what purpose money was transferred and how it is to be retrieved shall also be furnished by the next date of hearing. Let details in this regard be also

submitted.

Noida Authority is directed to inspect the M/s. Amarpali  
Heart Beat City Project also.

List on 16.05.2018.

(NEELAM GULATI)  
COURT MASTER (SH)

(JAGDISH CHANDER)  
BRANCH OFFICER