

ITEM NO.14+15+22+23++24

COURT NO.10

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)

(IA No.135815/2017-I/A U/S 152 R/W SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 SEEKING CLARIFICATIONS IN RESPECT OF/MODIFICATION OF THE COMMON ORDER DATED 22.11.2017 PASSED BY THIS HON'BLE COURT TO BE LISTED ON 15.12.2017 and IA No.140265/2017-impleading party and IA No.140269/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.5158/2018-INTERVENTION APPLICATION and IA No.6603/2018-impleading party and IA No.6608/2018-CLARIFICATION/DIRECTION and IA No.6855/2018-IA FOR GRANTING PERMISSION TO ACCESS THE PORTAL FACILITY and IA No.7365/2018-impleading party and IA No.14759/2018-impleading party and IA No.25020/2018-impleading party and IA No.27653/2018-impleading party)

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. 942/2017 (PIL-W)

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100082/2017 and IA No.6004/2018-INTERVENTION APPLICATION and IA No.7366/2018-CLARIFICATION/DIRECTION and IA No.13482/2018-impleading party and IA No.14915/2018-CLARIFICATION/DIRECTION and IA No.24972/2018-INTERVENTION APPLICATION)

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)
(IA 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[TO BE TAKEN UP ALONGWITH W.P.(C)NO.940/2017] and IA No.25205/2018-impleading party)

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

W.P.(C) No. 21/2018 (X)
(FOR ADMISSION
[TO BE TAKEN UP ALONGWITH ITEM NO. 2 I.E. W.P.(C)NO.940/2017])

W.P.(C) No. 74/2018 (X)
W.P.(C) No. 57/2018 (X)
(FOR ADMISSION
[TO BE TAKEN UP ALONGWITH ITEM NO. 2 I.E. W.P.(C)NO.940/2017])

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.
[TO BE TAKEN UP ALONGWITH ITEM NO. 2 I.E. W.P.(C)NO.940/2017] 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.
[TO BE TAKEN UP ALONGWITH ITEM NO. 2 I.E. W.P.(C)NO.940/2017] and IA No.24879/2018-impleading party and IA No.25837/2018-impleading party and IA No.25842/2018-APPROPRIATE ORDERS/DIRECTIONS and IA No.26355/2018-impleading party)

W.P.(C) No. 160/2018 (Item No.15)

W.P.(C) No. 91/2018 (Item No.22)

W.P.(C) No. 1640/2018 (Item No.23)

Diary No.6636/2018 (Item No.24)

Date : 22-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. M.L. Lahoty, Adv.
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Mr. Himanshu Shekhar, Adv.

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Mr. Deepak Mishra, Adv.
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Mr. R. Sathish, AOR
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Mr. Rajesh Kumar, Adv.
Ms. S. Geetha, Adv.
Ms. Smitha Rani, Adv.
Ms. Sonia Vasudev, Adv.

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Mr. Vivek Narayan Sharma, AOR
Mr. Sidharth Mahajan, Adv.
Mr. Ajay Singh, Adv.
Mr. Shubham Awasthi, Adv, .

Mr. Maneesh Pathak, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Mr. Prithvi Pal, AOR

Mr. C.P. Yadav, Adv.

Mr. Rajeev Lochan, Adv.

Mr. Shovan Mishra, AOR

Mr. Raj Kamal, AOR

Mr. BNS Marok, Adv.

Mr. Bhaskar Aditya, Adv.

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Mr. C.U. Singh, Sr.Adv.

Mr. M.S. Vishnu Sankar, Adv.

Ms. Athira G. Nair, Adv.

Ms. Usha V. Nandini, Adv.

Mr. C.U. Singh, Sr.Adv.

Mr. J. Mehta, Adv.

Mr. Mukesh Kumar, Adv.

Ms. Divya Roy, Adv.

Mr. Akash Nagar, Adv.

Mr. Siddhartha Jha, Adv.

Mr. Jasbir Singh Nagar, Adv.

Mr. Sinha Shrey, Adv.

Mr. Sumit Sinha, Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr.Adv.

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Mr. Abhishek Singh, Adv.

Mr. Anuroop Chakravarti, Adv.

Mr. Ravindra Kumar, AOR

Mr. Achyut Saxena, Adv.

Mr. Ajay Kumar Jain, Adv.

Mr. Rabin Majumder, AOR

Intervenor

Mr. Akhilesh Kumar Pandey, AOR

Mr. Brahma Kumar Pathak, Adv.

Mr. Gaurav Goel, AOR

Mr. Bishwajit Dubey, Adv.
 Ms. Srideepa Bhattaacharyya, Adv.
 Mr. Manpreet Lamba, Adv.
 For M/S. Cyril Amarchand Mangaldas Aor, AOR

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 Ms. Saloni Tangri Jawa, Adv.

Impleading party

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 Ms. Anupama Sharma, Adv.
 Ms. Sonali Negi, Adv.
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 Mr. Manmeet Singh, Adv.
 Ms. Rakhi Ray, AOR
 Mr. Anshul Tyagi, Adv.
 Mr. Prithvi Sidhu, Adv.
 Ms. Saloni Sharma, Adv.
 Mr. Anuragh Robin Frey, Adv.
 Ms. Geetanjali Shani, Adv.
 Mr. Sahil Tagotra, Adv.
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 Mr. Pawan K. Sharma, Adv.
 Mr. Shashi Ranjan, Adv.
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Mr. Sukant Vikram, Adv.
 Mr. Apurv Chandola, Adv.
 Mr. Anshumaan Sahni, Adv.

Mr. Sumant Batra, Adv.
Ms. Honey Satpal, Adv.

Mr. Rajesh Kumar Gupta, Adv.

Mr. Ranjit Kumar, Sr.Adv.
Mr. Alok K. Agarwal, Adv.
Mr. Dhruv Gandhi, Adv,
Ms. Rati Tandan, Adv.
Mr. Gaurav Goal, Adv.

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

Applications for impleadment(s) is/are allowed to the extent of intervention only.

IN W.P.Nos.160,91,164 of 2018 AND D. NO. 6636 OF 2018

Issue notice on the petition as well as on the prayer for interim relief returnable within two weeks.

Dasti, in addition, is also permitted.

IN W.P.(C) Nos. 942/2017 AND 8 OF 2018

Heard learned senior counsel for the parties.

Pursuant to the order passed on 21.02.2018, Mr. Ranjit Kumar, learned senior counsel assisted by Mr. Gaurav Bhatia and Alok Aggarwal, appearing on behalf of the promoters of Amrapali Group has produced a compilation 'A' before this court on behalf of the said promoters disclosing the particulars of the on-going projects, stages of the work vis-a-vis the towers involved, the likely time to complete the remaining works and the cost of construction therefor.

Mr. Ranjit Kumar, learned senior counsel, has in particular drawn the attention of this court at pages 4 & 5 of the

compilation 'A' which deal with 19 towers as mentioned therein of Amarpali Leisure Valley Developers Pvt. Ltd. (Leisure Park). In the chart on these two pages of the compilation amongst others the number of units, saleable area, the proposed/likely time to complete the finishing work, the total balance amount payable by the home buyers and the total expenditure to be incurred in completing the work, have been indicated. As this chart reveals the likely time to complete the work and to deliver possession in accordance with law, ranges from 3 to 15 months. According to the respondent an amount of Rs.87.28 crores is required to complete the finishing works in the fairness as mentioned therein.

When enquired by this court as to the guarantee for the implementation of the arrangements proposed for all practical purposes, Mr. Ranjit Kumar, on instructions, has submitted that to ensure that the works are completed by the time as proposed 12 developers in addition to the Galaxy group have given their letters to collaborate with the respondent promoters for the said purposes as testified by the documents available in compilation 'B'.

Learned counsel appearing for the home buyers, however, have expressed some reservation contending that the arrangements as proposed do not inspire confidence in view of the past experience and have pleaded that unless the 13 developers who undertake to collaborate with promoters of Amarpali Group are tied down with necessary conditions, the very executability of the project would be doubtful. To this Mr. Ranjit Kumar, learned senior counsel has urged that adequate undertakings would be given by the promoters of Amarpali Group as well as the other developers.

Having regard to the rival submissions made and the attendant facts and circumstances and also considering the predominant interest of the home buyers, we are of the view that it would be in the fitness of things to permit the promoters of Amarpali Group to immediately start the finishing work as proposed in the units of the towers as listed at pages 4 & 5 of Compilation 'A' on the basis of the arrangements as proposed.

In order to examine the bonafide of the proposal and the progress of the works that would be achieved , list these matters on 27th March at 2 P.M. By then the promoters of Amarpali Group would furnish to this court complete details of the proposals in all respects made by the collaborators/developers and to ensure completion of the projects/fininshing work as indicated in chart.

We part with the belief that the respondents-developers would be true to their assurances to this court and also to the home buyers. Needless to say that all promoters of Amarpali Group shall furnish their undertaking by 7th March, 2018. Further orders in this regard,as considered necessary, would be passed on the next date i.e. on 27.03.2018.

In response to the prayer made on behalf of the developers that the insolvency proceedings before the NCLT ought to be stayed, we on this stage leave the parties to make the appropriate prayer as advised before the said Forum.

IN REST OF THE MATTERS

List on 15th March, 2018.

**(NEELAM GULATI)
COURT MASTER (SH)**

**(JAGDISH CHANDER)
BRANCH OFFICER**