

ITEM NO.301

COURT NO.1

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)

(MATTER CONCERNING SALE OF FAR; NOTE OF NBCC DATED 05.08.2022; MATTER CONCERNING SUREKHA FAMILY; IA No.100821/2021 - FOR PERMISSION; IA No.110402/2020 - FOR TAKING ON RECORD; IA No.110027/2020 - FOR TAKING ON RECORD; IA No.100822/2021 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.50370/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.109599/2020 - FOR APPROPRIATE ORDERS/ DIRECTIONS; IA No.109576/2020 - FOR CLARIFICATION/DIRECTION; IA No.189314/2019 - FOR COMPLIANCE OF COURTS ORDER; IA No.109573/2020 - FOR INTERVENTION/IMPLEADMENT; IA No.105017/2021 - FOR INTERVENTION/IMPLEADMENT; IA No.109596/2020 - FOR INTERVENTION/IMPLEADMENT; IA No.60700/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES; IA No.127793/2019 - FOR RECALLING THE COURT'S ORDER; and, IA No.127787/2019 - FOR RECALLING THE COURT'S ORDER)

WITH

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

W.P.(C) No.306/2018 (X)

W.P.(C) No.502/2019 (X)

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

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

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

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

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

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

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

W.P.(C) No.1397/2018 (X)

W.P.(C) No.246/2018 (X)
W.P.(C) No.226/2018 (X)
W.P.(C) No.267/2018 (X)
W.P.(C) No.1018/2017 (X)
W.P.(C) No.353/2018 (X)
W.P.(C) No.460/2018 (X)
W.P.(C) No.829/2018 (X)
W.P.(C) No.742/2018 (X)
W.P.(C) No.199/2018 (X)
W.P.(C) No.134/2018 (X)
W.P.(C) No.164/2018 (X)
W.P.(C) No.1206/2017 (X)
W.P.(C) No.281/2018 (X)
W.P.(C) No.1116/2017 (X)
W.P.(C) No.1156/2017 (X)
W.P.(C) No.1144/2017 (X)
W.P.(C) No.1041/2017 (X)
W.P.(C) No.971/2017 (X)
W.P.(C) No.947/2017 (X)
W.P.(C) No.56/2018 (X)
W.P.(C) No.57/2018 (X)
W.P.(C) No.74/2018 (X)
W.P.(C) No.131/2018 (X)
W.P.(C) No.182/2018 (X)

**W.P.(C) No.942/2017 (PIL-W)
(IA No.78918/2021 - FOR APPROPRIATE ORDERS/DIRECTIONS; and, IA
No.110167/2020 - FOR INTERVENTION)**

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)

W.P.(C) No.91/2018 (X)

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

Date : 23-09-2022 These matters were called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI**

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

PART - I

NOTE DATED 01.09.2022

SUBMITTED BY MR. R. VENKATARAMANI, COURT RECEIVER

Re.: SALE OF FAR

Learned Court Receiver has invited our attention to the Order dated 10.06.2020 passed by this Court and paragraphs 9, 10, 12, 13 and 16 of the Order in particular.

It is submitted that the unsold units and unused FAR that can be utilised to sub-serve the interest of the home-buyers broadly fall in two categories:

- I. The unused portion of FAR in projects that are completed or nearing completion where the unused portion of FAR is part of the constructed project itself.

II. In a project comprising of more than one building, where no construction has been effected at all in certain portion(s) of the land and such portion(s) of land can be used for further development on its own.

According to learned Court Receiver, the second category would comprise of two segments:

1. Where such portion of land can be severed or divided and utilized by any other agency.
2. Where the unused portion of the land is either at the back of the project or in a corner in such a fashion that such portion of land cannot be separated.

Learned Court Receiver has placed Note dated 01.09.2022 and submitted that certain portions of land from the existing projects can easily be severed. He has also placed before us a Tabular Chart giving details as to the extent of plot, the unutilised portion, the available FSI and what can be utilised to the maximum extent, going by the responses filed by NOIDA and Greater NOIDA.

Learned Court Receiver has concluded his submissions.

List the matter on 11.10.2022 at 2.00 p.m. for submissions of Mr. Ravindra Kumar, learned Senior Advocate.

PART - II

Learned Court Receiver has brought to our notice certain e-mails addressed by Mr. Joginder Singh, who has been appearing in person.

The interest of the entirety of the flat-buyers is being represented by Mr. M.L. Lahoty and Mr. Kumar Mihir, learned Advocates. Even then, we have always given audience to Mr. Joginder Singh, petitioner-in-person. His submissions, will certainly be looked into by this Court at the appropriate stage but it would not be proper on his part to be addressing learned Court Receiver and the NBCC in the manner that he has done.

We have asked Mr. Joginder Singh to refrain from sending such e-mails, which suggestion, we must record, he has readily accepted.

PART - III

Re.: IA No..141201 of 2019 – For Intervention/ Direction (Vol. No.Z-226); and, IA Nos.155928 and 155931 of 2021 – For Intervention/Direction (Vol. No.Z-377)

Mr. M.L. Lahoty, learned Advocate mentioned these Interlocutory Applications.

These applications shall be considered on 11.10.2022.

PART - IV

All the remaining Interlocutory Applications on Board are adjourned to 11.10.2022 at 2.00 p.m.

(MUKESH NASA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER