

ITEM NO.302

COURT NO.2

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 & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 110402/2020 - APPLICATION FOR TAKING ON RECORD
IA No. 110027/2020 - APPLICATION FOR TAKING ON RECORD
IA No. 50370/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 189314/2019 - COMPLIANCE OF COURTS ORDER
IA No. 60700/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 127793/2019 - RECALLING THE COURTS ORDER
IA No. 127787/2019 - RECALLING THE COURTS ORDER)

WITH

W.P.(C) No. 245/2018 (X)
(IA No. 27275/2022 - CLARIFICATION/DIRECTION)

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)

(IA No. 27193/2022 - APPROPRIATE ORDERS/DIRECTIONS)

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)

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 : 08-08-2022 These matters were called on for hearing today.

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

PART - I

NOTE NO.2 SUBMITTED BY LEARNED COURT RECEIVER ON 04.08.2022

I. NOTE ON "Sale of FAR"

In keeping with the directions issued by this Court in its order dated 25.07.2022, learned Court Receiver has submitted a note on "Sale of FAR". He has also given schematic drawings and plans and details as to the portions which can be separated from the existing plots where partial developments have taken place.

The details have been given in Annexure-III(A) appended to the note which has also dealt with the planning parameters.

On the last occasion, the Court had directed the concerned officials from NOIDA/ Greater NOIDA to remain personally present so that their responses or inputs could immediately be noted and

considered.

Mr. Ravindra Kumar, learned Senior Advocate appearing for NOIDA/Greater NOIDA submits that out of six instances given by the receiver, five projects are in Greater NOIDA. It is further submitted that the concerned officer who deals with these projects having taken ill, the matter be suitably adjourned so that appropriate and adequate instructions can be obtained in the matter.

Mr. Ravindra Kumar, learned Senior Advocate has readily accepted that the officials of NOIDA/ Greater NOIDA will consider every facet of the proposal made by learned Court Receiver and by next date of hearing, the response of NOIDA/Greater NOIDA with regard to every individual aspect of the matter shall be placed before this Court by way of a note.

Let the needful be done on or before 17.08.2022.

The matter shall be taken up on 18.08.2022 at 2.00 PM.

The concerned officials of NOIDA/ Greater NOIDA shall remain personally present to render assistance to the Court.

PART II

I. NOTE SUBMITTED ON BEHALF OF NBCC DATED 05.08.2021

The note deals with certain issues including 'No Objection Certificate" and "Approvals". It is stated that at the stage when NBCC took over the projects, certain flat buyers were already residing in six projects and NBCC is now at the stage of completing seven projects in near future. However, in order to hand-over the

projects to the respective Residential Welfare Associations, regularization of all approvals which have since then lapsed, need to be undertaken. In the circumstances, following directions are prayed for:

"A. That the leftover erstwhile Amrapali Projects of NOIDA/Greater NOIDA (undertaken by NBCC (I) Ltd.) where the habitant societies exist, the respective RWAs/SWAs/AOAs/Committee may be directed to apply for renewal of the existing NOCs to the concerned Authorities. The fees along with compliance of the observations (if any) raised by the concerned department towards the NOCs for habitant societies shall not be borne by the NBCC.

B. All available NOCs/approvals at pre-construction stage obtained/submitted by erstwhile Amrapali Group, may kindly be directed to be regularized "till the completion of respective project" undertaken by NBCC (India) Limited. In this regard, NOIDA and Greater NOIDA Authorities/Other Authorities /Govt. Departments/ Bodies shall be directed to provide the copy of all NOCs/Approvals along with all supporting drawings and documents to the Learned Court Receiver at the earliest after regularizing the same within a fix time period of 30 days."

Though the interest of the flat buyers is being projected by Mr. M.L. Lahoty, Mr. Kumar Mihir and other learned advocates, the RWAs of the occupants/ flat buyers are not before the Court. We, therefore, request the learned Court Receiver to put up the contents of this application on the official website so that adequate intimation and notice can be given to the RWAs. If any objection is raised by any of the RWAs before the next date of hearing the matter shall be considered.

List the matter on 18.08.2022 at 2.00 PM

PART-III

I.A. Nos. 109596 & 109599 of 2020 and 109573 & 109576 of 2020 in Writ Petition (Civil) No. 940/2017 [Z-301 & 302]and Matter regarding Joginder Singh in (I-175) in W.P (C) 306/2021 in view of Court's order dated 12.07.2022)

List these I.As. on 16.08.2022.

(INDU MARWAH)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR