

ITEM NO.301

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 &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(Matters to be listed on 18.04.2022 1. I.A Nos. 97096, 97097, 97093, 100940,

(IA No. 12572/2022 - APPROPRIATE ORDERS/DIRECTIONS; IA No. 50082/2022 - APPROPRIATE ORDERS/DIRECTIONS; IA No. 33118/2022 - CLARIFICATION/DIRECTION; IA No. 170313/2021 - CLARIFICATION/DIRECTION; IA No. 138752/2021 - EXEMPTION FROM FILING AFFIDAVIT; IA No. 170314/2021 - EXEMPTION FROM FILING O.T.; IA No. 50084/2022 - EXEMPTION FROM FILING O.T.; IA No. 170312/2021 - INTERVENTION APPLICATION; IA No. 50081/2022 - INTERVENTION APPLICATION; IA No. 138750/2021 - INTERVENTION APPLICATION; IA No. 31467/2022 - INTERVENTION/IMPLEADMENT; IA No. 47162/2022 - INTERVENTION/IMPLEADMENT; IA No. 47165/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON & I.A.No.57326/2022 in I.A NO.12572/2022) I.A No.57575,57576,57672 of 2022)

WITH

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

W.P.(C) No. 306/2018 (X)  
 (IA No. 97096/2021 - APPROPRIATE ORDERS/DIRECTIONS; IA No. 97097/2021 - DISCHARGE OF ADVOCATE ON RECORD; IA No. 100945/2021 - EXEMPTION FROM FILING O.T.; IA No. 100940/2021 - EXEMPTION FROM FILING THE POWER OF ATTORNEY; IA No. 97093/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON ; IA No. 170191/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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)

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 : 18-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Counsel for the Parties:

Mr. R. Venkataramani, Sr. Adv.  
Court Receiver

Mr. Pavan Aggarwal, Forensic Auditor  
Mr. Ravinder Bhatia, Forensic Auditor

Mr. Ravindra Kumar, AOR

Mr. M. L. Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Pranab Kumar Nayak, Adv.  
Mr. Himanshu Shekhar, AOR

Mr. Siddhartha Dave, Sr. Adv.  
Mr. Gudipati G. Kashyap, Adv.  
Ms. T. Archana, AOR

Mr. Vikas Singh Sr Adv  
Mr. Prashant Shukla Adv  
Mrs. Anushree Shukla Adv  
Mr. Ankit Tyagi Adv  
Mr. Surender M. Sharma Adv

Mr.Ashu bhindwar Adv  
Mr.Divyesh Pratap Singh AOR

Mr. Gaurav Mitra, Adv.  
Mr. Yudhist Narain Singh, Adv.  
Mr. Adit Singh, Adv.  
Mr. Rajat Mittal, AOR

Mr. Vikramjit Banerjee, ASG  
Ms. V. Mohana, Sr. Adv.  
Mr. Nachiketa Joshi, Adv.  
Mr. Prashant Singh, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Sughosh Subramanyam, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Vikramjit Banerjee, ASG  
Mr. Gurmeet Singh Makker, AOR  
Mr. Mukul Singh, Adv.  
Mr. Vibhu Shankar Mishra, Adv.  
Mr. Sugosh Subramaniam, Adv.  
Mr. Manish, Adv.  
Mr. R.D. Singh, Adv  
Mr. Mani Shankar Mishra, Adv.

Mr. Vikramjit Banerjee, ASG  
Ms. V. Mohana, Sr. Adv.  
Mr. Mukul Singh, Adv.  
Mr. Prashant Singh, Adv.  
Mr. Sughosh Subramanyam, Adv.  
Mr. Chetan Joshi, Adv  
Mr. Raj Bahadur Yadav, AOR

Mr. Vikramjit Banerji, ASG  
Mr. Sanjay Jain, ASG  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Mukul Singh, Adv.  
Mr. Prashant Singh, Adv.  
Ms. Preeti Rani, Adv.

Mr. Vikramjit Banerjee, ASG  
Mr. Mukul Singh, Adv.  
Mr. Vikrant Yadav, Adv.  
Mr. Vibhu Shankar Mishra, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. Amrish Kumar, AOR

Ms. Madhavi Divan, ASG  
Ms. Komal Mundhra, Adv.  
Mr. Saurabh Agrawal, Adv.  
Mr. Shantanu Singh, Adv.  
Mr. Pai Amit, Adv. on Record

Ms. Shipra Jain, Adv.  
Mr. Ayushi Puri, Adv.  
Mr. Vishesh Kalra, Adv.

Mr. Naveen R. Rath, Sr. Adv.  
Mr. Anuj Kapoor, AOR  
Ms. Lalit Mohini Bhat, Adv.  
Mr. Om Prakash Shukla, Adv.  
Mr. Yajur Sharma, Adv.

Ms. Garima Prashad, Snr adv/ AAG  
Ms. Ruchira Goel, AOR  
Mr. Abhitosh Pratap Singh, Adv.

Mr. Brijender Chahar, Sr. Adv.  
Mr. Aditya Jain-1, AOR

Mr. Manoj Singh, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.  
Mr. Abhay Singh, Adv.  
Ms. Ritu Rastogi, Adv.

Mr. Manoj Singh, Advocate  
Mr. Sanjay Kumar Visen, AOR  
Mr. Navin Gupta Advocate

Mr. Sanjay Kapur, AOR  
Ms. Megha Karnwal, Adv.  
Mr. Arjun Bhatia, Adv.  
Ms. Shubhara Kapur, Adv.  
Mr. Lalit Rajput, Adv.

Mr. Divyakant Lahoti, AOR  
Mr. Parikshit Ahuja, Adv.  
Ms. Praveena Bisht, Adv.  
Ms. Madhur Jhavar, Adv.  
Ms. Vindhya Mehra, Adv.  
Mr. Kartik Lahoti, Adv.  
Ms. Shivangi Malhotra, Adv.

Mr. Kaushal Yadav, AOR  
Mr. Pramod Kumar, Adv.  
Mr. Nandlal Kumar Mishra, Adv.  
Mr. Shafik Ahmed, Adv.  
Mr. Vivekanand Rana Adv.

Mr. Ashish Bhan, Adv.  
Mr. Ketan Gaur, Adv.  
Mr. Ayush Mitruka, Adv.  
Mr. Ashish Bhan, Advocate  
Mr. Kaustub Narendran, Adv.  
Mr. Mahinder Singh Hura, Adv.

Mr. Pushpendra S. Bhadoriya, Adv.  
Mr. Divjot Singh Bhatia, Adv.  
Mr. Saif Ali, Advocate  
Mr. Jasmeet Singh, AOR

Mr. Rakesh Kumar Tewari, Adv  
Mr. Vivek Kumar Pandey, Adv.  
Mr. Krishna Kant Dubey, Adv.  
Ms. Shuchi Singh, Adv.  
Mr. Sanjay Kumar Dubey, AOR  
Mr. Jainendra Kumar, Adv.

Ms. E. R. Sumathy, AOR  
Ms. Savita Aggarwal, Adv.  
Ms. S. Spandana Reddy, Adv.  
Mr. Nishant Bhardwaj, Adv.

Ms. Richa Kapoor, AOR  
Mr. Kunal Anand, Adv.  
Ms. Shivani Sharma, Adv.  
Ms. Jyoti Zongluju,, Adv.  
Ms. Saloni Mahajan, Adv.  
Mr. Sandesh Kumar, Adv.

Mr. Abhigya Kushwah, AOR  
Mr. Siddharth Rajkumar Murarka, Adv.  
Ms. Sunita Yadav, Adv.  
Mr. Pradeep Kumar Dubey, Adv.  
Ms. Anamika Kushwaha, Adv.  
Mr. Vibhor Anand, Adv.  
Mr. Manoj Kumar, Adv.  
Mr. Shashank Shekhar, Adv.  
Mr. Virender Arora, Adv.

Mr. Bishwajit Dubey, Adv.  
Ms. Srideepa Bhattacharyya, Adv.  
Ms. Aishwarya Gupta, Adv.  
Mr. Manpreet Lamba, Adv.  
M/s. Cyril Amarchand Mangaldas, AOR

Mr. Sunil Fernandes, AOR  
Ms. Anindita Roy Chowdhury, Adv.  
Ms. Urvashi Mishra, Adv.  
Ms. Nupur Kumar, Adv.

Mr. Manish Raghav, Adv.  
Mr. Rohit Gour, Adv.  
Mr. Vivek Sharma, Adv.  
Ms. Rachana Sharma, Adv.  
Mr. Manoj Tomer, Adv.

Mr. Satyajit A. Desai, Adv.  
Mr. Satya Kam Sharma, Adv.

Mr. Siddharth Gautam, Adv.  
Mr. Himanshu Sharma, Adv.  
Ms. Anagha S. Desai, AOR

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.

Mr. Ajay Bansal, Adv.  
Mr. Gaurav Yadava, Adv.  
Ms. Veena Bansal, Adv.  
Mr. Kuldip Singh, AOR

Mr. Syed Mehdi Imam, AOR  
Mohd. Parvez Dabas, Adv.  
Mr. Uzmi Jameel Husain, Adv.  
Mr. Pulkit Chandna, Adv.

Ms. Arti Singh, AOR  
Mr. Aakashdeep Singh Roda, Adv.  
Mr. Basant Pal Singh, Adv.  
Ms. Pooja Singh, Adv.

Mr. Niraj Shah, Adv.  
Ms. Payal Murarka Chauhan, Adv.  
Mr. Siddharth Rajkumar Murarka, AOR  
Mr. Angad Singh, Adv.

Ms. Jasmine Damkewala, AOR  
Mr. Pallav Mongia, AOR  
Ms. Vaishali Sharma, Adv.  
Mr. Dinesh Chander Trehan, Adv.

Mr. Ashok Kumar Singh, Adv.  
Mr. Shantwanu Singh, AOR  
Ms. Pragya Singh, Adv.

Mr. Bhakti Vardhan Singh, AOR  
Mr. Rajesh Kumar, Adv.  
Mr. Soumya Ranjan Paikray, Adv.

Mr. Ramesh Babu M. R., AOR  
Ms. Manisha Singh, Adv.  
Ms. Nisha Sharma, Adv.  
Ms. Jagriti Bharti, Adv.

Mr. Akash Swami, Adv.  
Mr. Pawan Kr. Sharma, Adv.  
Dr. Amardeep Gaur, Adv.  
M/s. V. Maheshwari & Co., AOR

Mr. Vivek Narayan Sharma, AOR

Mr. Tushar Kumar, Adv.  
Ms. Mahima Bhardwaj, Adv.  
Mr. Rajeev Kumar Jha, Adv.  
Mr. Pranshu Kaushal, Adv.  
Mr. Shubham Awasthi, Adv.  
MR. ADITYA MANUBARWALA, ADV

Mr. Balaji Srinivasan, AOR  
Mr. Alok Kumar, Adv.  
Mr. Manan Gambhir Adv.  
Mr. Nikil Malhotra Adv.  
Ms. Garima Soni Adv.

Mr. Tushar Singh, AOR  
Ms. Hima Bhardwaj, Adv.  
Mr. Dhruv Chawla, Adv.  
Ms. Pankhuri, Adv.

Mr. M. T. George, AOR  
Ms. Susy Abrahm, Adv.  
Mr. Johns George, Adv.

Mr. Mohit Chaudhary, Adv.  
Ms. Puja Sharma, Adv.  
Mr. Kunal Sachdeva, Adv.  
Mr. Chowdhary Zulfkar Ali, Adv.  
Mr. Balwinder Singh Suri, Adv.  
Mr. Paras Mithal, Adv.  
Ms. Mahima Ahuja, Adv.  
Mr. Parveen Kumar, Adv.  
M/s. Kings & Alliance LLP, AOR

Mr. A. P. Mohanty, AOR  
Mr. K.K. Singh, Adv.  
Ms. Vijay Lakshmi, Adv.

Mr. Kislai Kumar, Adv.  
Ms. Vishrutyi Sahni, Adv.  
Mr. Dheeraj Nair, AOR

Mr. Rohit Kumar Singh, AOR  
Mr. Rahul Kumar Gupta, Adv.  
Ms. Chandni Arora, Adv.  
Mr. Shubham V. Gawande, Adv.

Mr. Ashok Kumar Singh, AOR  
Mr. Shantwanu Singh, Adv.  
Ms. Pragya Singh, Adv.

Mr. Satish Pandey, AOR  
Mr. Salim Ansari, Adv  
Mr. Akbar Ali, Adv  
Mr. Rajesh Pandey, Adv

Mr. Abhinav Shrivastava, AOR  
Dr. Sasmit Patra, Adv.  
Mr. Rahul Gupta, Adv.  
Mr. Nirmal Prasad, Adv.  
Mr. Shivang Rawat, Adv.

Mr. Ravindra Kumar, Adv.  
Mr. Binay Kumar Das, AOR  
Ms. Priyanka Das, Adv.  
Ms. Neha Das, Adv.

Mr. Yajur Bhalla, Adv.  
Mr. Vijay Kumar Diwedi, Adv.  
Mr. Akhilesh Kumar Pandey, Adv.  
Mr. Ashish Vajpayee, Adv.  
Mr. Deepak Samota, Adv.  
Mr. Shubham Bhalla, AOR

Mr. Pradhuman Gohil, Adv.  
Ms. Taruna Singh Gohil, AOR  
Mr. Ashish Kabra, Adv.  
Mohammad Kamran, Adv.  
Ms. Ranu Purohit, Adv.  
Mr. R. Vishnu Kumar, Adv.  
Mr. Alapati Sahithya Krishna, Adv.

Mr. Shiv Kumar Pandey, Adv.  
Mr. Awanish Kumar, Adv.  
Mr. Anshul Rai, Adv.  
M/s. Dharmaprabhas Law Associates, AOR

Mr. Janender Kumar Chumbak, Adv.  
Ms. Radhika, Adv.  
Ms. Amita Singh Kalkal, AOR

Mr. Rishi K. Awasthi, Adv.  
Mr. Prashant Kumar, Adv.  
Ms. Ritu Arora, Adv.  
Mr. Piyush Vatsa, Adv.  
Mr. Sumit Raj, Adv.  
Ms. Yukti Anand, Adv.  
Mr. Avinash Ankit, Adv.  
Mr. Santosh Kumar-I, AOR

Mr. Aditya Nayyar Advocate  
Mrs. Farhat Jahan Rehmani AOR

Ms. Sangeeta Singh, AOR  
Ms. Priyanka Swami, Adv.

Ms. Shobha Gupta, AOR  
Mr. Nishant Bahuguna, Adv.

Mr. Rajendra Kumar Panigrahi , Adv.  
Ms. Jessy Kurien, Adv.  
Mr. Vidit Agarwal, Adv.  
Mr. Shubham Jalan, Adv.  
Ms. Prachi Sharma, Adv.  
Ms. Sakshi Tiwari, Adv.

Mr. Shovan Mishra, AOR  
Ms. Bipasa Tripathy, Adv.  
Ms. Sujata Kumari Muni, Adv.

Mr. Niraj Gupta, AOR  
Mr. Fuzail Khan, Adv.  
Ms. Anshu Gupta, Adv.  
Mr. Ashutosh Srivastava, Adv.

Mr. Rajesh P., AOR  
Mr. Rahul Malhotra, Adv.  
Ms. Himanshi Madan, Adv.

Ms. Mayuri Raghuvanshi, AOR  
Mr. Vyom Raghuvanshi, Adv.  
Ms. Purvat Wali, Adv.

Dr. Vijendra Mahiyandiyani, Adv.  
Mr. Deepak Goel, AOR  
Ms. Pallavi Awasthi Adv  
Mr. Chaman Rana Adv

Mr. Vaibhav Luthra, Adv.  
Mr. Mithu Jain, AOR  
Mr. Shreyan Das, Adv.

Mr. Rajiv Lochan, Adv.  
Mr. Prithvi Pal, AOR  
Mr. Naresh Kumar Nagar, Adv.

Mr. Mohit Yadav, Adv.  
Mr. Sanveer Mehlwal, Adv.  
Ms. Geetanjali Mehlwal, Adv.  
Mr. Abdul Gaffar, Adv.  
Ms. Kamakshi S. Mehlwal, AOR

Mr. Imran Khan, Adv.  
Mr. Ashoka Kumar Thakur, Adv.  
Mr. Anil K. Chopra, AOR

Mr. Natwar Rai, Adv.  
Mr. Krishna Kumar, Adv.  
Ms. Nandini Gupta, Adv.  
Dr. (Ms.) Vipin Gupta, Adv.

Mr. Ritin Rai, Senior Advocate  
Mr. Anuj P. Agarwala, Advocate  
Mr. Aayush Agarwala, Adv.  
Mr. PBA Legal, AOR

Mr. Rajeev Kumar Dubey, Adv.  
Mr. Sanjay Jain, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Kamendra Mishra, AOR

Mr. A.C.Mishra (Adv)  
Mr. Niteen Kumar Sinha (Adv)  
Ms. Reetu Saipawar (Adv)  
Ms. Elana Salim (Adv)  
Mr. Ram Naresh (Adv)  
M/s ACM Legal (AOR)

Ms Aruna Gupta AOR  
Mr Ramesh Allanki, Adv

Mr. Uddyam Mukherjee, AOR  
Ms. Madhurika Ray, Adv.

Mr. Pramod Sharma, Adv.  
Mr. Bhuwan Raj, AOR

Mr. Awanish Sinha, AOR  
Mr. Chandra Shekhar Yadav, Adv.

Mr. Kaushal Kishore, Adv  
Mr. Devendra singh, AOR

Mr. Devendra Kumar Singh, Adv.  
Mr. Karunakar Mahalik, AOR

Mr. Saket Singh, Adv.  
Ms. Niranjana Singh, AOR

Mr. Manjeet Singh Rathor, Adv.  
Mr. Vikas Jain, AOR

Ms. Indrani Mukherjee, Adv.  
Ms. Tatini Basu, AOR

Mr. Shashank Singh, Adv.  
Mr. Kabir Dixit, AOR

Ms. Prerna Mehta, AOR  
Mr. Naresh Aditya Madhav, Adv.

Mr. Jannesh Kumar, Adv.  
Mr. Himanshu Shekhar, AOR

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

Ms. Tanuj Bagga Sharma, AOR  
Ms. Alka Goyal, Adv

Suman Tripathy, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Mr. Abraham C. Mathews, Adv.  
Mr. Mohammed Sadique T.A., AOR

Dr. Ritu Bhardwaj, Adv.  
Mr. Naresh Kumar, AOR

Mr. Brijesh Kumar Tamber, AOR  
Mr. Yashu Rustagi, Adv.  
Mr. Saurabh Choudhary, Adv

Mr. N.P. Singh, Advocate.  
Dr. Kedar Nath Tripathy, AOR  
Mr. Raghunath Pathak, Adv.  
Mr. Vijay Verma, Adv.

F

Mr Tarun Diwan Adv  
Mr. Sumit Kumar, AOR  
Mr. Rajesh Pathak Advocate  
Ms. Kumari Supriya Adv  
Mr Hemant Kumar Adv  
Ms Ms Pari Adv

Mr. Ajit Kumar Sinha Sr. Advocate  
Mr. Parul Dhurve, Adv.  
Mr. Omanakuttan K.K., AOR

Mr. Deepak Prakash, Advocate on Record  
Mr. Pawan Kr. Dabas, Advocate  
Mr. Subhash Choudhary, Advocate  
Mr. Nachiketa Vajpayee, Advocate  
Ms. Divyangna Malik, Advocate  
Mr. Vaijayant Khanna, Advocate  
Ms. Vishnu Priya, Advocate

Mr. Rachit Mittal, Adv.  
Ms. Pooja Kapur, Adv  
Mr. Sudhir Naagar, AOR

Mr. V. Giri, Sr. Adv  
Mr. Amith Krishnan, Adv  
Ms. Anushruti, Adv  
Ms. Simran Arora, Adv  
Mr. Subhash Choudhary, Adv  
Mr. Raj Duggal, Adv.

**Ms. Udita Singh, AOR**  
**Mr. Ashok Mathur, AOR**  
**M/s. Devasa & Co., AOR**  
**Mr. O. P. Gaggar, AOR**  
**Mr. Dharmendra Kumar Sinha, AOR**  
**Mr. G. Balaji, AOR**  
**Mr. Aniruddha P. Mayee, AOR**  
**Mr. Gaurav Goel, AOR**  
**Mr. Akhilesh Kumar Pandey, AOR**  
**Ms. Rakhi Ray, AOR**  
**Mr. Badri Prasad Singh, AOR**  
**Ms. Sayaree Basu Mallik, AOR**  
**Mr. Shishir Pinaki, AOR**  
**Ms. Pallavi Pratap, AOR**  
**Mr. Raj Kamal, AOR**  
**Mr. Amit Pawan, AOR**  
**Mr. Kumar Mihir, AOR**  
**Mr. Sukant Vikram, AOR**  
**Mr. Manish Kumar Saran, AOR**  
**Mr. Kailash Prashad Pandey, AOR**  
**Mr. Abdul Azeem Kalebudde, AOR**  
**Mr. Shadan Farasat, AOR**  
**Mr. Gopal Jha, AOR**  
**Mr. Abhijit Sengupta, AOR**  
**Mr. Rabin Majumder, AOR**  
**Mr. Rajesh Kumar Gupta, AOR**

Mr. B. Krishna Prasad, AOR

Mr. Siddhartha Jha, AOR

Ms. Rajkumari Banju, AOR

Mr. Sonal Jain, AOR

Mr. K. Paari Vendhan, AOR

Ms. Sujata Kurdukar, AOR

Mr. Sanjai Kumar Pathak, AOR

Mr. Ajit Sharma, AOR

M/s. Shakil Ahmad Syed, AOR

Ms. Mona K. Rajvanshi, AOR

Mr. Somesh Chandra Jha, AOR

Ms. Kirti Renu Mishra, AOR

Ms. Shilpa Liza George, AOR

Ms. Dharitry Phookan, AOR

Ms. Astha Sharma, AOR

Ms. Anannya Ghosh, AOR

Mr. S. K. Verma, AOR

Mr. Somanatha Padhan, AOR

Mr. Aakarshan Aditya, AOR

Mr. Christopher Dsouza, AOR

Mr. Vishal Gupta, AOR

M/s. D.S.K. Legal, AOR

Mr. Vishnu Sharma, AOR

Mr. Pawanshree Agrawal, AOR

Mr. Ashwarya Sinha, AOR

Mr. Vipin Kumar Jai, AOR

Mr. Sureshan P., AOR  
Ms. Mridula Ray Bharadwaj, AOR  
Mr. B. K. Satija, AOR  
Mr. G. N. Reddy, AOR  
Mr. Gaurav, AOR  
Mr. Jay Kishor Singh, Adv.-in-person  
Mr. Chakresh Jain  
Mr. Joginder Singh, Petitioner-in-person  
Mr. Mishra Saurabh, AOR  
Mr. D. S. Chauhan, AOR  
Mr. Rishi Matoliya, AOR  
Mr. Chandan Kumar, AOR  
Mr. T. Mahipal, AOR  
Ms. Chandan Ramamurthi, AOR  
Mr. Chandra Prakash, AOR  
Ms. Anindita Pujari, AOR  
Mr. Sarvam Ritam Khare, AOR  
Mr. Aneesh Mittal, AOR  
Mr. Ravindra Sadanand Chingale, AOR  
Ms. Bharti Tyagi, AOR  
Ms. Suruchii Aggarwal, AOR  
Mr. Anas Tanwir, AOR  
Mr. Sumit Sinha, AOR  
Mr. Praveen Chaturvedi, AOR  
Mr. Kaushik Choudhury, AOR  
Mr. Ritesh Agrawal, AOR  
Mr. Mushtaq Ahmad, AOR

Ms. Sneha Kalita, AOR  
Ms. Charu Ambwani, AOR  
Ms. Indra Sawhney, AOR  
Mr. Malak Manish Bhatt, AOR  
Mr. Kumar Sudeep, AOR  
Ms. Anubha Agrawal, AOR  
Mr. Aman Gupta, AOR  
Mr. Alok Tripathi, AOR  
Mr. Anil Kumar Mishra-I, AOR  
Mr. E. C. Vidya Sagar, AOR  
Ms. Anisha Upadhyay, AOR  
Mr. Tahir Ashraf Siddiqui, AOR  
Mr. Somiran Sharma, AOR  
Mr. Rohit Amit Sthalekar, AOR  
Ms. Swarupama Chaturvedi, AOR  
Mr. Umesh Kumar Khaitan, AOR  
Ms. Charu Mathur, AOR  
M/s. Karanjawala & Co., AOR  
Mr. Ejaz Maqbool, AOR  
Mr. Sanchit Garga, AOR  
Ms. Rashmi Singh, AOR  
Mr. Pramod Dayal, AOR  
Ms. Manisha Ambwani, AOR  
Ms. Vandana Sehgal, AOR  
Ms. Divya Roy, AOR  
Mr. Anoop Prakash Awasthi, AOR

Mr. B.S. Waghmare, Adv.  
Mr. Hitesh Kr. Sharma, Adv  
Mr. S.K. Rajora, Adv.  
Mr. Akhileshwar Jha, Adv.  
Mr. Subhash S. Kadam, Adv.  
Mr. Ranjit Kumar Sharma, AOR

Mr. Rahul Joshi, AOR

Mr. Prateek K. Chadha, AOR

UPON hearing the counsel the Court made the following

**O R D E R**

**PART - I**

A. Re.:I.A Nos. 57575, 57576 & 57672 of 2022(Vol. Z-393)

These applications have been moved pertaining to matter under caption, "Attached Assests" dealt with in Part III (C) of the order dated 11.04.2022 and submit *inter alia* that the deposited money be invested in an interest bearing account.

List these applications alongwith all the matters pertaining to subject "Attached Assets" as first item on Board on 02.05.2022.

B. I.A Nos.50081, 50082 & 50084 of 2022 and 53779 of 2022 (Vol. Z-391)

Mr. Ajit Kumar Sinha, learned Senior Advocate prays for and is granted liberty to withdraw the instant applications. I.As. are dismissed as withdrawn.

Needless to say that if there be any remedy available in law, the applicant(s) will certainly be entitled to avail the same.

## PART - II

Mr. M.L.Lahoti, learned advocate has brought to our notice the fact that an external projection in the form of a slab on the 14<sup>th</sup> floor of Zodiac Tower-H collapsed two days back. It is accepted that the construction in question was put up by the erstwhile agencies and not by NBCC.

Learned Court Receiver submits that remedial measures are being taken and that he has already requested NBCC to take all such precautionary measures as are deemed appropriate.

The concerned agencies shall look into the matter and check if similar such projections are likely to give in.

## Part-III

### NOTE OF COURT RECEIVER DATED 17TH APRIL, 2022

#### I. SALE OF UNUSED FAR OF PRINCELY ESTATE

Information pertaining to Solid Properties Pvt. Ltd., project has been given by learned Court Receiver in his note dated 17.04.2022.

It is submitted that a copy of the note has already been given to the learned counsel appearing for NOIDA and the matter is

still engaging the attention of the concerned. As and when the matter crystallizes, the learned Court Receiver may place appropriate submissions with regard to this subject.

II. (MOVIE HALL MEERUT), OLD CINEMA HALL, MENKA CINEMA, NEAR GHANTAGHAR, MEERUT, UP

In relation to this subject, it is submitted that certain properties belonging to Amrapali Group of Companies have been encroached upon, as a result of which those properties cannot be put to auction. Mr. Rachit Mittal, learned advocate appearing for Meerut Development Authority submits that the concerned Movie Hall is situated on a piece of land which is not part of the area under the jurisdiction of Meerut Development Authority; and as a matter of fact that piece of land comes within the jurisdiction of Meerut Administration through District Magistrate.

In the circumstances, we issue notice to the District Magistrate, Meerut. The Registry is directed to send a copy of the note pertaining to this subject to the District Magistrate, Meerut immediately. The District Magistrate, Meerut shall file an appropriate response on or before 06.05.2022 alongwith relevant details as to who are in possession and giving details about the extent of the area in their possession and the right, if any, claimed by them.

In case the property falls within the jurisdiction of Municipal Corporation, the District Magistrate may receive information from the concerned office and then file the response.

List this matter on 09.05.2022.

PART-IV

(A) Re.: I.A. Nos.97096, 97097, 97093, 100940 and 100945 of 2021 (Vol.No.I-175); and, I.A. No.170191 of 2021 (Vol. No.I-184)

Ms. Garima Prashad, learned Senior Advocate appearing for the State of Uttar Pradesh submits that for the purposes of Stamp Duty, the "Super Area" of an "Apartment" is to be reckoned and not "built-up" or "carpet area" of the Apartment. All the calculations leading to the imposition of stamp duty are based on "Super area" and this has been the practice for last several years. She submits that it is not, as if flat buyers in Amrapali Group of Companies are differently treated.

It is however, submitted by Mr. Chakresh Jain and Joginder Singh , appearing-in-person that the computation of stamp duty has to be linked with "carpet area" of an apartment and no flat purchaser ought to be required to pay anything over and above "carpet area" based calculations.

The disputes which are presently being looked into by this Bench are quite confined and essentially to see that the stalled Amrapali Projects are taken care of; and that the construction activities are resumed and the flat buyers are given possession of their apartments. Therefore, the instant controversy between the flat buyers on one hand and the State Administration on the other, ought not to detain us. We therefore, refuse to entertain these

applications but leave the applicants with remedy to approach the concerned authority/forum to ventilate their grievance. As and when such applications/petitions are made, the concerned authorities shall do well to dispose of the matter at the earliest and not later than two months. With these observations, the applications are disposed of.

(B) The questions regarding common area with respect to which Mr. Ravindra Kumar, learned Senior Advocate for NOIDA was requested to seek instructions, is deferred as Mr. Kumar is yet to receive appropriate instructions. Let this matter be listed on 09.05.2022.

#### PART - V

A) Re.: FUNDING BY BANKS

It is submitted by Mr. Alok Kumar, learned Advocate appearing for the Consotium of banks that appropriate documents executed between learned Court Receiver and Greater NOIDA/NOIDA Authorities have been received just yesterday and appropriate action in disbursing the funds shall be undertaken within next 48 hour.

Statement recorded.

List for reporting compliance on 02.05.2022.

B) Re.: SALE OF RESORT LAND AT UDAIPUR

The matter is adjourned to 25.04.2022.

#### PART-VI

**C) SUBVENTION LOAN ISSUE**

This matter was dealt with by this Court in its order dated 29.10.2020, which extracted certain portions from the note circulated by learned Court Receiver.

It is accepted that as against the normal model where a flat buyer may independently approach any bank or financial institution for loan or financial accommodation, Amrapali Group of Companies had advertised that an arrangement was entered into with certain banks whose services could be availed of by the prospective flat buyers. As a part of this Scheme, an arrangement was contemplated, whereunder the bank would extend financial accommodation for the benefit of buyer but the money would be directly paid to the Developer/Amrapali Group of Companies; that there would be a period which was coined as "Free EMI Period" which normally coincided with the promised period within which the construction would be completed and the possession could be handed over. Thus, under this arrangement, a flat buyer was assured of two promises (a) till the construction was complete and possession was handed over to him the flat buyer would not be liable to make any payment towards EMIs to the bank with respect to the loan or financial accommodation enjoyed by him.

(b) The loan facility from the bank would be available regardless of the creditworthiness of the person, as the arrangement was brought about with the intervention of the Developer/ Amrapali Group of Companies.

With this scheme, known as Subvention Scheme, large number of

flat buyers were persuaded to book apartments. The Scheme was premised on the fundamental postulate of timely construction and completion of the project and assured date of possession. This basic postulate however, got shattered with the acts of commission on omission on part of Amrapali Group of Companies and the resultant effect was that though no construction was complete and the project was far from being ready, after the specified period in the agreement was over, the liability of the flat buyers to make payments towards EMIs arose. With large scale defaults on part of the buyers, the banks started consequential proceedings under the Recovery Of Debts Due To Banks And Financial Institutions ACT, 1993 before the Debt Recovery Tribunals. Some of the buyers who had given post-dated cheques are also facing prosecutions under Section 138 of the Negotiable Instruments Act, 1881.

In the circumstances, note prepared by learned Court Receiver after highlighting factual aspects of the matter, made following recommendations:

“9) It is suggested that the amounts paid by home buyer during the default period be adjusted by banks suitably towards the principal amount sanctioned by the banks and the interest penalty levied or calculated by banks during the Amrapali period, shall not be treated as the liability of buyers.

10) All proceedings pending against home buyers, initiated by banks before any forum, shall not be pursued and the CIBIL score of home buyers shall not be affected by reason of any of the proceedings initiated by banks against home buyers.”

In its order dated 29.10.2020, this Court issued notices to (i) Bank of Maharashtra, (ii) Union Bank (erstwhile Corporation, Bank and Andhra Bank, which have since then merged in the Union

Bank), and (iii) Canara Bank, which had extended the concerned facility and said Banks were asked to file their objections. By subsequent order dated 03.09.2021, notices were also issued to certain other banks viz Bank of Baroda, Punjab National Bank, Bank of India, State Bank of India, UCO Bank and Punjab & Sindh Bank who had also extended similar facilities.

The response filed by Union Bank of India (erstwhile Corporation Bank & Andhra Bank)<sup>1</sup> has referred to RBI Circular dated 03.09.2013 and has stated that subvention arrangements are strictly prohibited in terms of said circular. It is further submitted that the arrangements entered into in every case were between the flat buyers and the Developer/ Amrapali Group of Companies and the bank was not a party to such transactions, though there was a tripartite Memorandum of Understanding at an anterior point of time.

We need not go into the question about the validity and correctness of the subvention arrangements or whether those arrangements were fraudulently entered into. The effect of the arrangement is quite evident and a flat buyer without there being any prospect of a completed apartment being handed over to him, is now saddled with liabilities arising out of the arrangements entered into with the Developer/ Amrapali Group of Companies.

Heard Mr. M.L. Lahoti and Mr. K. Mihir, learned advocates for the flat buyers and Mr. Alok Kumar, learned Advocate who appears for the Consortium of Banks including Union Bank of India. Considering the facts and circumstances on record, in our view,

1.[R-169 in Writ Petition (C)No.1206 of 2017)]

the interest of the flat buyers would be sub-served if following directions are passed:

(a) The accounts of the defaulting flat buyers who had availed of subvention facility, shall not be treated as 'NPA Accounts', nor shall their CIBIL Score be taken as "0" level.

(b) No bank shall impose penalty for defaults committed by the flat buyers. The banks shall however, be entitled to the principal amounts as well as the interest leviabale in respect of such principal amounts.

(c) It is made clear that the liability to make all payments will arise after the project is complete and the possession is offered to the individual flat buyers but the flat buyer shall be liable to make good payment in terms of the agreement entered into with the Developer/Amrapali Group of Companies, In other words, the liability shall be from the date of default but it will stand deferred till the possession is offered to him.

At this stage, Mr. Alok Kumar states that most of the cases are of "ghost allocations". He, therefore, submits that this facility be extended and made available to only those home-buyers who approach the banks and are willing to have their accounts regularized. We see force in the submission. Ordered accordingly.

The home-buyers shall approach the banks to have their accounts regularized within next two months. After such regularization, the money including the balance, if any, shall be disbursed by the banks immediately.

**PART-VII**

**IA Nos.109596 & 109599 of 2020 and 109573 & 109576 of 2020**

**[Vols.Z-301 & 302]**

**List these applications on 09.05.2022.**

**PART-VIII**

**The matters concerning Surekha Family shall be taken up on  
25.04.2022.**

**(INDU MARWAH)  
COURT MASTER (SH)**

**(VIDHYA NEGI)  
BRANCH OFFICER**