

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
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)

(WITH MATTERS RELATING TO FUNDING BY BANKS; SALE OF RESORT LAND, UIT, UDAIPUR; AND MATTER CONCERNING MR. PREM MISHRA AND RELATED PERSONS; IA No.50082/2022 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.90985/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.74385/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.170313/2021 - FOR CLARIFICATION/DIRECTION; IA No.33118/2022 - FOR CLARIFICATION/DIRECTION; IA No.138752/2021 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.90986/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.74386/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.50084/2022 - FOR EXEMPTION FROM FILING O.T.; IA No.170314/2021 - FOR EXEMPTION FROM FILING O.T.; IA No.8259/2019 - FOR INTERVENTION; IA No.170312/2021 - FOR INTERVENTION; IA No.138750/2021 - FOR INTERVENTION; and, IA No.50081/2022 - FOR INTERVENTION)

WITH

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

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

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

Diary No.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 : 11-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE BELA M. TRIVEDI

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Ms. Aruna Gupta, AOR

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

PART-I

**Re.: MATTERS CONCERNING MR. PREM MISHRA,
RELATED PERSONS AND OTHER ENTITIES**

[IA No.8259/2019 – For Intervention/Direction (Vol. No.Z-88); IA No.74385/2020 - For Direction (Vol. No.I-131), IA Nos.90985 and 90986 of 2020 – For Direction and for Exemption from Filing Attested Affidavit (Vol. No.I-141); Affidavit in Compliance of Order dated 07.12.2020 (Vol. No.R-138); Provisional Attachment Order No.01/2021 dated 22.02.2021 passed by the Enforcement Directorate (Vol. No.R-173), Objection to the observations made against the applicant by Forensic Auditor in Reports dated 23.07.20219 and 10.10.2019 (Vol. No.R-86); Combined Status Report dated 11.03.2022 filed by the Enforcement Directorate in Amrapali Group of Cases (Vol. No.W-35); and, Revised objections to the observation on behalf of Nipunj Infrastructure Pvt. Ltd, Vindhyawasini Developers Pvt. Ltd. and Mishra & Mishra Realty Pvt. Ltd. (Vol. No.R-124)

We have heard submissions of Mr. Vikas Singh, learned Senior Advocate appearing for Mr. Prem Mishra; and, Mr. Sanjay Jain, learned Additional Solicitor General assisted by Mr. Arkaj Kumar, learned Advocate appearing for the Enforcement Directorate.

Arguments concluded.

Order reserved.

PART – II

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)

The concerned officials are present in Court. However, because of paucity of time, we could not hear Ms. Garima Prashad, learned Senior Advocate, assisted by Ms. Ruchira Goel, learned Advocate for the State of Uttar Pradesh.

For submissions on the point, list this matter on 18.04.2022 as First Item on Board.

PART – III

A) Re.: SALE OF RESORT LAND AT UDAIPUR

Ms. Aruna Gupta, learned Advocate appearing for Udaipur Improvement Trust (UIT) submits that she has had meetings with learned Court Receiver and in order to have conclusive understanding in the matter, they would require further meetings.

List the matter for further consideration on 18.04.2022.

B) Re.: FUNDING BY BANKS

The apprehension expressed on certain counts having been taken care of in our order dated 04.04.2022, according to us, there should be no impediment in the Consortium of Banks extending financial accommodation to NBCC as per desired levels. It was recorded in the last order that against the requirement of NBCC to the tune of Rs.540 Crores, a sum of Rs.150 Crores only was disbursed.

We direct the Consortium to take appropriate steps and report by next date the development in the matter.

It must be placed on record that the requisite statutory sanctions have all been granted.

List this matter for further consideration on 18.04.2022.

C) Re.: ATTACHED ASSETS

This matter was dealt with in the order dated 07.03.2022, which *inter alia* had made certain observations and the learned Receiver was requested to grant hearing through Video-Conferencing to the learned counsel for Mr. Shiv Priya and Mr. Anil Kumar Sharma.

According to learned Court Receiver, hearing to Mr. Shiv Priya has been afforded while that to Mr. Anil Kumar Sharma could not be undertaken.

List this matter for further consideration on 02.05.2022.

In the meantime, learned Court Receiver is requested to complete the process of grant of hearing to Mr. Anil Kumar Sharma.

PART-IV

All the remaining Interlocutory Applications on Board are adjourned to 18.04.2022 at 2.00 p.m.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER