

ITEM NO.301

COURT NO.2  
(HEARING THROUGH VIDEO CONFERENCING)

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 (Civil) No.940/2017

BIKRAM CHATTERJI &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; 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. 74385/2020 - APPROPRIATE ORDERS/DIRECTIONS; IA No.12572/2022 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.90985/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; 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.8259/2019 - FOR INTERVENTION; IA No.138750/2021 - FOR INTERVENTION; and, IA No.31467/2022 - FOR INTERVENTION/IMPLEADMENT)

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 : 04-04-2022 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**

**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)**

These applications were mentioned by Mr. Joginder Singh, Petitioner-in-Person.

It appears that despite notice having been issued on 25.10.2021, no response has been filed on behalf of the State of Uttar Pradesh.

Ms. Ruchira Goel, learned Advocate appearing for the State submits that the response was not filed as notice was not issued by this Court on I.A. No.170191 of 2021\* (Vol. No.I-184).

We, therefore, issue notice on I.A. No.170191 of 2021\*, returnable on 11.04.2022.

The response to the Interlocutory Applications (Vol. Nos.I-175 and I-184) shall be filed on or before 07.04.2022.

All the concerned responsible officers shall remain present alongwith the record on 11.04.2022.

**PART - II**

**Re: I.A. No. 50081 OF 2022 – For Intervention; and I.A. No.50082 of 2022 – For Directions**

Mr. Ajit Kumar Sinha, learned Senior Advocate, assisted by Mr. Omanakuttan K.K., learned Advocate-on-Record, has mentioned the instant applications.

Let copies of these applications be provided to learned Court Receiver.

### **PART - III**

**Re: I.A. No. 12572 OF 2022 (Vol. No.I-185) and I.A. No.31467 of 2022 (Vol. No.Z-386) – Applications on behalf of M/s. La Residentia Developers Private Limited**

At the request of the learned counsel for the parties, list this matter on 18.04.2022.

### **PART - IV**

**Re: I.A. No. 138750 of 2021 (Vol. No.I-185)**

At the request of Ms. Smita Pandey, learned Advocate, the matter is adjourned to 11.04.2022 to enable the learned Advocate to place additional documents on record.

### **PART - V**

#### **NOTE**

**SUBMITTED BY MR. R. VENKATARAMANI, COURT RECEIVER**

#### **A) Re.: FUNDING BY BANKS**

Learned Court Receiver has submitted a Note, according to which all seven members of the Consortium Banks have given final approvals, and the loan and other transaction documents were executed with the Consortium on 29.03.2022. The loan facility granted by the Consortium is to the tune of Rs.1500/- Crores with shares of each Bank as under:

Name of the Lenders	Amount of the Facility (in)
Bank of Baroda	Rs.300
State Bank of India	Rs.250
Indian Bank	Rs.300
UCO Bank	Rs.200
Punjab & Sind Bank	Rs.200
Bank of India	Rs.100
Punjab National Bank	Rs.150

It is submitted that out of Rs.1500/- Crores facility so sanctioned, Rs.150/- Crores were disbursed directly to NBCC against present requirement of NBCC to the tune of Rs.540/- Crores. The Note then submits that for certain reasons, the further disbursement has not been effected by the Banks. One of the reasons pertains to some of the observations made by this Court in its judgment dated 23.07.2019.

In paragraph 156 of its judgment, two directions, with respect to which some clarification is now sought by learned Court Receiver, were:

“156.2 The various lease deeds granted in favour of Amrapali Group of Companies by Noida and Greater Noida Authorities for projects in question stand cancelled and rights henceforth, to vest in Court Receiver.

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156.10 We appoint Shri R. Venkataramani, learned Senior Advocate, as the Court Receiver. The right of the lessee shall vest in the Court Receiver and he shall execute through authorized person on his behalf, the tripartite agreement and do all other acts as may be necessary and also to ensure that title is passed on to home buyers and possession is handed over to them.”

It is submitted that the Banks have expressed genuine concern that for the purposes of disbursement, they would require Equitable Mortgage by deposit of title deeds as a pre-condition; that the expression used in paragraph 156.2 quoted hereinabove

that the “Lease” stands cancelled, would in effect mean that there are no title documents which can be deposited with the Banks.

Learned Court Receiver as well as the learned counsel appearing for the Consortium of Banks submit that the purport of the order passed by this Court was very clear that the interest of the Amrapali Group of Companies in the plots in question as well as the lease granted in their favour would stand terminated and in place of “Amrapali Group of Companies”, the “Court Receiver” would stand substituted. It is for these reasons, the expressions used were “vest in Court Receiver” or “the right of the lessee shall vest in the Court Receiver”.

In the circumstances, it is suggested by learned Court Receiver that this Court may direct:-

“While the lease of Noida/Greater Noida authorities are cancelled and the rights vested in Court Receiver, the “Court Receiver” may be substituted in place of the original lessee/Amrapali Group Companies. We direct the Noida/Greater Noida authorities to make necessary amendments in the lease deeds of all Amrapali projects and make available such lease deeds to the Court Receiver in order that equitable mortgage may be created in favour of leaders by ASPIRE.

We also direct all other authorities such as Meerut Development Authority, Bihar Industrial Development Corporation, New Raipur Development Authority, Indore Development Authority, in respect of leases concerning them, shall respond to the need for executing fresh lease deeds or effect amendments by substituting “Court Receiver” in place of the respective Amrapali Company in the subsisting leases as the case may be.

The compliance of the above be done within 7 days from this order.”

We have heard Mr. Ravindra Kumar, learned Senior Advocate appearing for NOIDA & Greater NOIDA. He is agreeable to the course suggested by learned Court Receiver and the learned Advocate appearing for the Consortium. Since, at this stage, other authorities, namely, Meerut Development Authority, Bihar Industrial Development Corporation, New Raipur Development Authority, and Indore Development Authority are not before the Court, we issue notice on this Note of learned Court Receiver, returnable on 18.04.2022.

However, since Mr. Ravindra Kumar, learned Senior Advocate appearing for NOIDA and Greater NOIDA Authorities is present and agreeable, we proceed to pass directions in terms of the first part of the quoted portion hereinabove:

- a) NOIDA and Greater NOIDA Authorities are directed to make necessary amendments in the Lease Deeds of all Amrapali Projects located in NOIDA and Greater NOIDA and make available such Lease Deeds to learned Court Receiver so that Equitable Mortgage can be created in favour of the Consortium.
- b) Let the needful be done within seven days from today.

The second issue which has been projected in the Note pertains to statutory approvals, which according to the Banks are required for disbursal of further funds.

The statutory approvals can be those which are required at the initial stage or inception before the construction activities can be undertaken or those approvals which are required before any final completion certificate is to be issued.

Since the projects are at the stage of construction, we put it to Mr. Gudipati G. Kashyap, learned Advocate appearing for NBCC, whether it would be possible for NBCC to give all the approvals which are required at the initial stage.

Mr. Kashyap readily accepts that the needful shall be done by the NBCC. Thus, all the statutory approvals, which are required before the construction can be started, shall be obtained by the NBCC as early as possible and the same shall be provided to learned Court Receiver for further action on his part.

**B) Re.: ACKNOWLEDGEMENT OF WORK**

Before we part with these topics, we must extract sentiments expressed by learned Court Receiver in Paragraph 6 of his Note.

“Several officers of respective banks, have extended their services to the cause of bank funding. Their participations and cooperation, both in the meetings with the Receiver and Committee and other deliberations with them has been very supportive. The Receiver and the Committee wish to place on record the due appreciation of their services which has made possible the final outcome of funding by banks. The Receiver and the Committee feels that such a supportive conduct of their part deserves to be appreciated and acknowledged. The list of such officers is enclosed.”

The list of the officers is as under:

<b>Sr. No.</b>	<b>Name of Bank</b>	<b>Name of Official</b>
1	Bank of Baroda	1. Sh. Shailendra Kumar Sinha, DGM 2. Sh. Malay Kumar Panchal, Chief Manager 3. Sh. Manish Sharma, Chief Manager 4. Ms. Anu Chopra, Sr. Manager
2	Bank of India	1. Sh. Sanjay Srivastava, GM 2. Sh. Manish Gupta, DGM 3. Sh. Maninder Singh, Chief Manger
3	Indian Bank	1. Ms. Gayathri S., GM 2. Sh. Sushmit Banerjee, DGM 3. Sh. N. Srinivasan, DGM 4. Sh. Vishal Sethia, Chief Manger
4	UCO Bank	1. Sh. G.S. Gupta, DgM 2. Sh. Manish Kumar, AGM 3. Ms. Varsha Yadav, Chief Manager 4. Sh. Ashish Pandey, Chief Manager
5	Punjab National Bank	1. Sh. K. Meenakshi Sundaram, GM 2. Sh. Rakesh Kumar Sharma, AGM 3. Sh. Abhishek Bhardwaj, Chief Manager
6	State Bank of India	1. Sh. Rajesh Panwar, AGM 2. Sh. Rakesh Sikka, AgM 3. Sh. Navin Kumar, Chief Manager
7	Punjab & Sind Bank	1. Sh. Rajesh Pandey, GM 2. Sh. Chaman Lal, DgM 3. Sh. Sarabjeet Singh, AGM

We share the sentiments expressed by learned Court Receiver and record that we are grateful for the assistance rendered by learned Court Receiver; the Committee; the Members of the Consortium, especially the officials who represented each of the Banks as referred to hereinabove for arranging finance to the tune of Rs.1500/- Crores for the entire project; and, to the learned Advocate who represented the Consortium.

**C) Re.: SALE OF RESORT LAND AT UDAIPUR**

Learned Court Receiver and Ms. Aruna Gupta, learned Advocate appearing for Udaipur Improvement Trust (UIT) submit that they will meet shortly to sort out the issue of Rs.4.82 Crores.

Mr. Manoj Singh, learned Advocate appearing for Amrapali Group of Companies submits that when the property was originally allotted, there was no condition for imposition of any charges for not constructing upon the property in time.

The submission advanced by Mr. Manoj Singh, learned Advocate is refuted by Ms. Aruna Gupta, learned Advocate.

Let this issue be also considered by learned Court Receiver.

List the matter for further consideration on 11.04.2022.

**PART-VI**

**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), and, Objection to the observations made against the applicant by Forensic Auditor in Reports dated 23.07.2021 and 10.10.2019 (Vol. No.R-86)]**

At the request of Mr. Vikas Singh, learned Senior Advocate, list these matters on 11.04.2022.

**PART-VII**

All the remaining Interlocutory Applications on Board are adjourned to  
11.04.2022 at 2.00 p.m.

(MUKESH NASA)  
COURT MASTER

(RAM SUBHAG SINGH)  
BRANCH OFFICER