

ITEM NO.302

COURT NO.8

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(s).940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions, permission to file appln. for direction, permission to assess the portal facility, vacating stay and modification/clarification)

WITH

W.P.(C) No.947/2017 (X)

(With appln.(s) for directions & modification/clarification)

W.P.(C) No.942/2017 (PIL-W)

(With appln.(s) for appropriate orders/directions, clarification, intervention/impleadment and appln. on behalf of R.13 seeking permission to pursue company appln.No.17 (P.B.) of 2018)

W.P.(C) No.971/2017 (X)

(With appln.(s) for directions)

W.P.(C)No.1041/2017 (X)

(With appln.(s) for directions and for permission to file addl. documents)

W.P.(C) No.1018/2017 (X)

(With appln.(s) for directions and impleadment/intervention)

W.P.(C) No.1116/2017 (X)

W.P.(C) No.1144/2017 (X)

(With appln.(s) for directions)

W.P.(C) No.1156/2017 (X)

(With appln.(s) for clarification of order dated 12.2.2018)

W.P.(C) No.1206/2017 (X)

(With appln.(s) for directions)

Validity
Digitally signed by
SARITA PRASAD
Date: 2018.09.16
11:16:18 IST
Reason: I am the author of this document.

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)
(With appln.(s) for directions)

W.P.(C) No.56/2018 (X)

W.P.(C) No.91/2018 (X)
(With appln.(s) for impleadment)

W.P.(C) No.57/2018 (X)
(With appln.(s) for directions)

W.P.(C) No.74/2018 (X)

W.P.(C) No.134/2018 (X)
(With appln.(s) for permission to file addl. documents)

W.P.(C) No.131/2018 (X)
(With appln.(s) for stay/directions)

W.P.(C) No.160/2018 (X)
(With appln.(s) for permission to file subsequent events on record)

W.P.(C) No.164/2018 (X)

W.P.(C) No.182/2018 (X)
(With appln.(s) for directions)

W.P.(C) No.199/2018 (X)

W.P.(C) No.226/2018 (X)

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

W.P.(C) No.281/2018 (X)
(With appln.(s) for stay)

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

W.P.(C) No.246/2018 (X)

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

W.P.(C) No.267/2018 (X)

W.P.(C) No.288/2018 (X)
(With appln.(s) for impleadment and directions)

W.P.(C) No.353/2018 (X)
(With appln.(s) for stay)

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

W.P.(C)No.460/2018

W.P.(C) No.742/2018 (X)

W.P.(C) No.829/2018 (X)

W.P.(C) No.866/2018 (X)

Date : 12-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

Mr. Pawanshree Agrawal,Adv. (A.C.)

For appearing parties :

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 Ms. Srideepa Bhattacharyya,Adv.
 Mr. Aditya Marwah,Adv.
 Mr. Manpreet Lamba,Adv.
 Ms. Ashita Chawla,Adv.
 for M/s. Cyril Amarchand Mangaldas,AOR

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 Ms. Shruti Agarwal,Adv.
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Ms. Shiva Vijaya Suman, Adv.

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Mr. Gaurav Goel, AOR
Mr. Apoorv Rastogi, Adv.
Mr. Harshal Kumar, Adv.
Mr. Suchi Sejwar, Adv.
Ms. Arpita Dixit, Adv.

Mr. Amit Sibal, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Manmeet Singh, Adv.
Mr. Robin Frey, Adv.
Mr. Anukrit Gupta, Adv.
Mr. Sohan Kumar, Adv.
For Ms. Rakhi Ray, AOR
Mr. Anugrah Robin Frey, Adv.

Mr. Ratnakar Das, Sr. Adv.
Mr. Rohit Pandey, Adv.
Mr. Amit Kumar Pandey, Adv.
Mr. Anushruti Tripathi, Adv.
Ms. Shweta, Adv.
Mr. Prabhu Singh, Adv.
Mr. Balraj Diwan, AOR

Mr. M.L. Lahoty, Adv.
Mr. Sukant Vikram, AOR

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Mr. Praban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Himanshu Shekhar, AOR
Mr. Qamar Ali, Adv.

Mr. Smarhar Singh, AOR
Mr. Binay Kumar, Adv.
Mr. Ashutosh Thakur, Adv.

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Mr. Rituraj Biswas, Adv.

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Ms. Tatini Basu, AOR

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Mr. Nitin Jain, Adv.

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For Mr. Talha Rahman, AOR

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Mr. Pritesh Kumar, Adv.

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Mr. Utkarsh Jaiswal, Adv.

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Mr. Vishnu Sharma, AOR

Mr. Sourav Roy, Adv.

Ms. Anupama Sharma, Adv.

Ms. Sonali Negi

Mr. Mohit Rai, Adv.

Ms. Rangoli Seth, Adv.

Mr. Somiran Sharma, AOR

Ms. Priyanka Das, Adv.

Ms. Rajee Mehrotra, Adv.

Mr. Sahil Sethi, Adv.

Mr. Shivam Sharma, Adv.

Ms. Astha Sharma, AOR

Mr. Abhishek Manchand, Adv.

Mr. Manoj, Adv.

Mr. T. Mahipal, AOR

Mr. Rajesh Kumar Gupta, AOR

Mr. Mahendra Kumar, Adv.

Mr. Pallavi Pratap, AOR

Mr. Sumit Saurav, Adv.

Ms. Roohina Dua, Adv.

Mr. Kunwar Aditya Singh, Adv.

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Mr. Badri Prasad Singh, AOR

Ms. Shaila Arora, Adv.

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 Mr. Ashwarya Sinha, AOR
 Ms. Suruchi Aggarwal, AOR
 Ms. Usha Nandini V., AOR
 Mr. Gautam Narayan, AOR
 Mr. Shadan Farasat, AOR
 Mr. Shishir Pinaki, AOR
 Mr. Shovan Mishra, AOR
 Mr. Gopal Jha, AOR
 Mr. A.P. Mohanty, AOR
 Mr. Ashok Kumar Singh, AOR
 Mr. Pallav Mongia, AOR
 Mr. Sibbo Sankar Mishra, AOR
 Mr. Tahir Ashraf Siddiqui, AOR
 Mr. Sokant Vikram, AOR
 Mr. Anshul Tyagi, AOR
 Mr. Balaji Srinivasan, AOR
 Mr. Rohit Amit Sthalekar, AOR
 Mr. Aman Gupta, AOR
 Mr. Ravindra Kumar, AOR
 Mr. Rabin Majumder, AOR
 Mr. Akhilesh Kumar Pandey, AOR
 Mr. Dharmendra Kumar Sinha, AOR
 Mr. Avijit Mani Tripathi, AOR
 Mr. Prithvi Pal, AOR
 Mr. Abdul Azeem Kalebudde, AOR
 Mr. Manish Kr. Saran, AOR
 Mr. Suman Tripathy, AOR
 Mr. Navin Kumar, AOR
 Ms. Shobha, AOR
 Mr. Sumit Sinha, AOR

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

1. Heard learned counsel for the parties.
2. With respect to the sale of assets, an affidavit of Mr. Anil Kumar Sharma, the Director of Respondent No.4 in W.P.(C)No.971/2017 (Amrapali Silicon City Pvt.Ltd.), has been filed. Following is the list of properties to be sold at the first instance:

Lease hold project where no Bank Funding												
S.No.	Name Of Company and Project	Plot Address	Plot Area Sq. Mtr	Total payment made to Authority	Due land according to us	Due Land according to Authority	Receivable from Buyer (InrCr)			Addl. FAR (Vacant Land)		Total
	1	2	3	4	5	6	7	8	9	10	11	12
1	Amrapali Leisure Valley Pvt.Ltd.	GH-02, Sec-Tech Zone- IVG, Noida	396.94	121.09	524.14	926	1209.91	357.23	1567.14	99.65	4228.12	5795.26
i	Leisure Valley-Villa						57.96	0	57.96			
ii	Vernna Height						741.96	233.06	975.02			
iv	Adarsh Awash Yojna						409.99	124.17	534.16			
2	Amrapali Centurian Park Pvt.Ltd.	GH-05, Sec-Tech Zone- IVG, Noida	2286.46	104.51	292.25	586	421.18	354.75	775.93	45.19	1917.5	2693.43
i	Centurian park Low Rise						32.26	0	32.26			
ii	Terrace Home						195.08	132.2	327.28			
iii	Tropical Garden						146.06	139.82	285.88			
iv	Q2 Valley						47.78	82.73	130.51			
5	Amrapali Dream Valley Pvt.Ltd.	GH-09, Sec-Tech Zone- IVG, Noida	2603.07	73.7	353.34	730	706.59	878.82	1585.41	21.65	918.78	2504.19
i	Dream Valley-1 Villa						43.31	0	43.31			
ii	Dream Valley-2 High Rise						572.41	535.19	1107.6			
iii	Exchange						90.87	343.63	434.5			
Total			8851.47	299.3	1169.73	2242	2337.68	1590.8	3928.48	166.49	7064.4	10992.88

3. The unsold inventory to the extent of Rs.1590 crores (Rupees One Thousand Five Hundred Ninety Crores), as depicted in the following charts, with respect to the commercial properties which have to be sold :

List of Unencumbered Property										
Sr.No	1	2	3	4	5	6	7	8	9	
	Name of Property	Nature	Allotted by	Available Saleable Area (Sq. Ft) Approx in Lacs	Distress Sale Value (Inr Cr)	Realisable Value in Development model (Inr Cr)	Bank Loan	Loan Amount to be paid (Inr Cr)	Remarks	
1	Amrapali Homes Unsold Land & Building at Vrindavan	Free hold	Direct purchase	3	25	30	Yes	1.5	Finance Can be raised through direct sales	
2	Amrapali Homes Projects Pvt. Ltd Unsold Land/Plot at Indore	Free hold	Direct purchase	1.2	60	80	No	0		
3	Amrapali Homes Project Pvt Ltd Land of EWS Bhubaneswar	Free hold	Direct purchase	2.5	9	35	No	0		
4	Sanjam Colonizer Part Unsold Land at Jaipur	Free hold	Direct purchase	1.75	5	17	No	0		
5	Hi-Tech City Pvt Ltd Part Unsold Land Jaipur	Free hold	Direct purchase	1.29	4	12	No	0		
6	Ultra Home Construction Pvt. Ltd at SIKKIM (Educational)	Lease hold fully paid	Direct purchase	3	5	20	No	0		
7	Hotel & Resort land of Ultra Home Construction Pvt. Ltd Jaipur	Lease hold fully paid	Urban improvement trust	1.37	15	25	No	0		Direct sale subject to permission
8	Ultra Home Construction Pvt. Ltd Residential Plot Raipur (Plot No C2 Sector 26, New Raipur)	Lease hold	Naya Raipur Development Authority	18.53	50	240.94	No	0		To be financed & developed by financier/Co-developer
9	Ultra Home Construction Pvt. Ltd Commercial Plot Raipur (Plot No 69 Sector 24 Commercial Zone, New Raipur)	Lease hold	Naya Raipur Development Authority	3.47	15	45.15	No	0		To be financed & developed by financier/Co-developer
10	Ultra Home Construction Pvt. Ltd Residential Plot Raipur (Plot No D5 Sector 30, New Raipur)	Lease hold	Naya Raipur Development Authority	0.28	3	7	No	0		To be financed & developed by financier/Co-developer
11	Unanchored part of Amrapali Leisure Valley Pvt. Ltd Land Project G Noida	Lease hold	Greater Noida Industrial Development Authority	81.82	491	917.29	No	0		To be financed & developed by financier/Co-developer
12	Amrapali Leisure Valley Commercial	Lease hold	Greater Noida Industrial Development Authority	1.25	125	150	No	0		To be financed & developed by financier/Co-developer
13	Unanchored part of Amrapali Dream Valley Pvt. Ltd Land, Project G Noida	Lease hold	Greater Noida Industrial Development Authority	14.19	85	250	No	0		To be financed & developed by financier/Co-developer
14	Amrapali Dream Valley Commercial	Lease hold	Greater Noida Industrial Development Authority	0.90	90	100	No	0		To be financed & developed by financier/Co-developer
15	Part of Unanchored portion of Amrapali Centurian Park Pvt Ltd	Lease hold	Greater Noida Industrial Development Authority	40.94	246	504.33	Yes	25		To be financed & developed by financier/Co-developer
16	Amrapali Centurian Park Commercial	Lease hold	Greater Noida Industrial Development Authority	1.00	100	120	No	0		To be financed & developed by financier/Co-developer
Total				187	1328	2553.71		26.5		

4. Shri Dharmendra Singh Rathore, the Officer of the Debt Recovery Tribunal (DRT) at Delhi, is to supervise the sale of the properties mentioned above at paragraph 3. There may be certain encumbrances of NOIDA authorities. They are to be dealt with later on. We request the DRT Officer at the first instance to supervise the sale of the aforesaid properties. Let Amrapali group of Companies as well as other interested parties to appear before the concerned DRT Officer on 25.9.2018 to furnish all the title deeds, maps and details of the properties, as may be required. Let a copy of the order be forwarded to the concerned DRT Officer.

5. NBCC is appointed to develop the projects; let Amrapali Group find out whether consortium of banks or bank or HUDCO or any other financial institution are ready to finance the projects.

6. Let an account be opened in the Supreme Court by the Registrar so that money which is generated through selling etc. is directly deposited in this Court for the purpose of disbursement.

7. We have appointed the Forensic Auditors on the previous date. Let a copy of the order be sent to the Forensic Auditors. Shri M.L. Lahoty has submitted a proposal today with respect to the various aspects to be seen by Forensic Auditors, that is marked as 'Annexure Z'

and placed on record, and a copy of the same also be sent for consideration to the Forensic Auditors appointed by this Court as per order dated 6.9.2018. Let the Forensic Auditors specify their remuneration. For the present a sum of Rs.25 lakhs (Rupees Twenty Five Lakhs) be transmitted to the account of DRT out of the A/c No.201002234299 of Amrapali Hospitality Services Pvt. Ltd. with the Indusind Bank, Sector-51, Noida., as prayed by the counsel on instructions. Let an intimation be sent by the Registry to the aforesaid bank for transferring the amount of Rs.25 Lakhs to the account of DRT. The NOIDA and Greater NOIDA authorities and representatives from home buyers are also requested to assist the DRT.

8. In the affidavit of Mr. Anil Kumar Sharma filed today in this Court, explaining the asset, filed before the Election Commission, at paragraph 18 certain averments have been made regarding the details provided by the counsel to be misconceived and factually incorrect, we direct such uncalled aspersions to be deleted along with such other similar averments. Let appropriate application be filed within seven days to delete all such averments.

9. It is stated by the Statutory Auditor Shri Anil Mittal, who is present in the Court, that he and his associate are in possession of the original records of Amrapali Group of companies from the year 2008 to 2015.

Let all the remaining records from 2008 till date of all the 46 Amrapali Group of Companies, be handed over to the Forensic Auditors within ten days. Let the statutory auditors also hand over the papers with them to the Forensic Auditors from 2008 to 2015 and cooperate with the Forensic Auditors. Amrapali group of companies to hand over all documents required by Forensic Auditors. Further presence of statutory auditors is dispensed with.

10. List on 26.9.2018

(Jagdish Chander
Branch Officer

(Sarita Purohit)
AR-cum-PS