

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.**

**CORAM :**

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

**Counsel for the Parties:**

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

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

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

**Mr. Kumar Mihir, AOR**

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

**Mr. Gudipati G. Kashyap, Adv.  
Ms. T. Archana, AOR**

Mr. Manoj Singh, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.  
Mr. Navin Gupta, Adv.

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

Mr. Vikramjit Banerjee, ASG  
Ms. V. Mohana, Sr. Adv.  
Mr. Prashant Singh, Adv.  
Mr. Vikrant Yadav, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Sughosh Subramnyam, Adv.  
Mr. Vikrant Yadav, Adv.  
Mr. Raj Bahadur Yadav, AOR

Mr. Vikas Singh, Sr. Adv.  
Mr. Prashant Shukla, Adv.  
Ms. Anushree Shukla, Adv.  
Ashu Bhindwar, Adv.  
Mr. Ankit Tyagi, Adv.  
Mr. Divyesh Pratap Singh, AOR

Mr. V. Giri, Sr. Adv.  
Mr. Amith Krishnan, Adv.  
Ms. Simran Arora, Adv.  
Mr. Raj Duggal, Adv.  
Mr. Udit Singh, AOR

Mr. Vikramjit Banerjee, ASG  
Mr. Vibhu Shankar Mishra, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Sughosh Subramnyam, Adv.  
Mr. Manish, Adv.

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

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

Mr. Vikramjit Banerjee, ASG  
Mr. Amrish Kumar, AOR

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

Mr. Ritin Rai, Sr. Adv.  
Mr. Anuj P. Agarwala, Adv.  
Mr. Aayush Agarwala, Adv.  
M/s. PBA Legal, AOR

Mr. Vijay Kumar, Sr. Adv.  
Mr. Rajiv Kumar, AOR  
Mr. Sanjeev Gupta, Adv.

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

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

Mr. V.K. Shukla, Sr. Adv.  
Mr. Shekhar G. Devasa, Adv.  
Mr. Rohit Pandey, Adv.  
Mr. Manish Tiwari, Adv.  
Mr. Shashi Bhushan Nagar, Adv.  
Ms. Satvisa Pattanayak, Adv.  
Vaishali Singh, Adv.  
Mr. Ayush Kumar, Adv.  
Ms. Silvia, Adv.  
M/s. Devasa & Co., AOR

Mr. Ramesh Babu M. R., AOR  
Ms. Manisa Singh, Adv.  
Ms. Nisha Sharma, Adv.

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

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

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

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

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

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

Mr. Arjun Asthana, Adv.  
Ms. Priyanka Tribrewal, Adv.  
Mr. Prakash Sharma, Adv.  
Mr. Arup Banerjee, AOR

Mr. Sanjay Kapur, AOR  
Ms. Megha Karnwal, Adv.

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

Ms. Shobha Gupta, AOR  
Mr. Rajendra Kumar Panigrahi, Adv.  
Jessy Kurien, Adv.  
Mr. Nishant Bahuguna, Adv.  
Mr. Vidit Agarwal, Adv.  
Mr. Shubham Jalan, Adv.  
Ms. Prachi Sharma, Adv.  
Ms. Sakshi Tiwari, Adv.

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

Mr. Rajeev Kumar Dubey, Adv.  
Mr. Sanjay Jain, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Kamalendra Mishra, 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. Janender Kumar Chumbak, Adv.  
Ms. Radhika, Adv.  
Ms. Amita Singh Kalkal, AOR

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

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

Mr. Ajay Bansal, AAG  
Mr. Sanjay Kumar Visen, AOR  
Mr. Gaurav Yadava, Adv.  
Ms. Veena Bansal, Adv.

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

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

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

Mr. Kaushal Yadav, AOR  
 Mr. Nandlal Kumar Mishra, Adv.  
 Mr. Vivekanand Rana, Adv.  
 Mr. Pramod Kumar, Adv.  
 Ms. Akansha Rai, Adv.  
 Ms. Apeksha Rai, Adv.  
 Ms. Yashoda Katiyar, Adv.  
 Ms. Kritiya Pandey, Adv.  
 Ms. Shweta Yadav, Adv.

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

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

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

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

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

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

Mr. Deepak Prakash, AOR  
 Mr. Pawan Kr. Dabas, Adv.  
 Mr. Siubhash Choudhary, Adv.  
 Mr. Nachiketa Vajpayee, Adv.  
 Ms. Divyangna Malik, Adv.  
 Mr. Vaijayant Khanna, Adv.  
 Ms. Vishnu Priya, Adv.

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



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

Mr. Nirmal Kumar Ambastha, AOR  
Mr. Rahul Ranjan Verma, Adv.  
Ms. Ashmita Bisarya, Adv.

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

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

Ms. Smita Pandey, Adv.  
Mr. Narendra Kr. Verma, AOR

Mr. Ashutosh Shukla, Adv.  
Ms. Tanuj Bagga Sharma, AOR

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

Mr. A.C. Mishra, Adv.  
Mr. Niteen Kumar Sinha, Adv.  
Ms. Reetu Saipawar, Adv.  
Ms. Elana Salim, Adv.  
Mr. Ram Naresh, Adv.  
For ACM Legal, AOR

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

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

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

Mr. Raj Kamal, AOR  
Mr. Maheen Pradhan, Adv.  
Mr. Aseem Atwal, Adv.  
Mr. Avish Bhati, Adv.  
Mr. Anurag Chandra, Adv.

Mr. Tarun Diwan, Adv.  
Mr. Sumit Kumar, AOR  
Mr. Rajesh Pathak, Adv.  
Ms. Kumari Supriya, Adv.  
Mr. Hemant Kumar, Adv.  
Ms. Harshita Sinha, Adv.  
Ms. Jyoti Sinha, 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 And Alliance LLP, AOR

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

Mr. Satyajit A. Desai, Adv.  
Mr. Satya Kam Sharma, Adv.  
Mr. Siddharth Gautam, Adv.  
Ms. Anagha S. Desai, AOR

Mr. Sonal Jain, AOR  
Mr. Udayan Jain, Adv.  
Mr. Ishkaran Singh, Adv.  
Ms. Kajal Sharma, Adv.

Mr. Ashish Bhan, Adv.  
Mr. Ketan Gaur, Adv.  
Mr. Ayush Mitruka, Adv.  
Mr. Ashish Bhan, Adv.  
Mr. Kaustub Narendran, Adv.  
Mr. Mahinder Singh Hura, Adv.  
Mr. Pushpendra S. Bhadoriya, Adv.  
Mr. Divjot Singh Bhatia, Adv.  
Mr. Saif Ali, Adv.  
Mr. Jasmeet Singh, AOR

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

Mr. Kanhaiya Singhal, AOR  
Mr. Chetan Bhardwaj, Adv.  
Mr. Prasanna, Adv.  
Ms. Heena Tangri, Adv.  
Mr. Rishabh Jain, Adv.  
Ms. Priyal Garg, Adv.  
Mr. Ajay Kumar, Adv.

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

Mr. Shiv Kumar Pandey, Adv.  
Mr. Chandrashekhar A. Chakalabbi, Adv.  
Mr. Awanish Kumar, Adv.  
Mr. Anshul Rai, Adv.  
Mr. Abhinav Garg, Adv.  
M/s. Dharmaprabhas Law Associates, AOR

Ms. Mahima Bhardwaj, Adv.  
Mr. Ajay Singh, Adv.  
Mr. Shoaib Haider, Adv.  
Mr. Vishal Sharma, Adv.  
Mr. Rajeev Kumar Jha, Adv.  
Mr. Pranshu Kaushal, Adv.  
Mr. Shubham Awasthi, Adv.  
Mr. Vivek Narayan Sharma, AOR

Mr. Rahul Shukla, Adv.  
Ms. Sayantani Basak, Adv.  
Mr. Akash Jandial, Adv.  
Kumar Dushyant Singh, AOR  
Mr. Rohit Sharma, Adv.  
Mr. Rounak Nayak, Adv.  
Mr. Anshul Chowdhary, Adv.  
Ms. Arju Chaudhary, Adv.  
Mr. Sharavan Kumar Yammaunr, Adv.  
Kumar Dushyant Singh, AOR

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

Mr. Aditya Nayyar, Adv.  
Ms. Farhat Jahan Rehmani, AOR

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

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

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

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

Mr. Tushar Singh, AOR  
Mr. Dhruv Chawla, Adv.

Dr. Sarvam Ritam Khare, AOR  
Mr. Nihar Ranjan Singh, Adv.

Ms. Charu Mathur, AOR

Mr. Abhinav Agrawal, AOR

Ms. Sangeeta Singh, AOR

Ms. Sayaree Basu Mallik, AOR

Mr. Shishir Pinaki, AOR

Mr. G. Balaji, AOR

Mr. B. K. Satija, AOR

Mr. Amit Pawan, AOR

Ms. Pallavi Pratap, AOR

Mr. Manish Kumar Saran, AOR

Mr. Sukant Vikram, AOR

Mr. Gopal Jha, AOR

Mr. Shadan Farasat, AOR

Mr. Kailash Prashad Pandey, AOR

Mr. Abdul Azeem Kalebudde, AOR

**Mr. A. P. Mohanty, AOR**

**Mohammed Sadique T.A., AOR**

**Mr. Gaurav Goel, AOR**

**Mr. Akhilesh Kumar Pandey, AOR**

**Ms. Rakhi Ray, AOR**

**Ms. Tulika Mukherjee, AOR**

**Mr. Badri Prasad Singh, AOR**

**Ms. Ruchira Goel, AOR**

**Mr. Rabin Majumder, AOR**

**Mr. Abhijit Sengupta, AOR**

**Mr. Rajesh Kumar Gupta, AOR**

**Mr. Praveen Chaturvedi, AOR**

**Mr. Siddhartha Jha, AOR**

**Mr. Malak Manish Bhatt, AOR**

**Ms. Sujata Kurdukar, AOR**

**Mr. Sanchit Garg, AOR**

**Mr. Prateek K Chadha, AOR**

**Ms. Prerna Mehta, AOR**

**Mr. Umesh Kumar Khaitan, AOR**

**Ms. Sneha Kalita, AOR**

**Mr. Jay Kishor Singh, AOR**

**Ms. Mayuri Raghuvanshi, AOR**

**Ms. Anisha Upadhyay, AOR**

**Mr. Somesh Chandra Jha, AOR**

**Mr. Awanish Sinha, AOR**

**Mr. Somiran Sharma, AOR**

Ms. Astha Sharma, AOR  
Mr. Pramod Dayal, AOR  
Mr. Alok Tripathi, AOR  
Ms. Vandana Sehgal, AOR  
Ms. Anannya Ghosh, AOR  
Mr. Sanjai Kumar Pathak, AOR  
Mr. Aakarshan Aditya, AOR  
Mr. Pawanshree Agrawal, AOR  
Mr. Syed Mehdi Imam, AOR  
Mr. K. Paari Vendhan, AOR  
Mr. Ashwarya Sinha, AOR  
Ms. Kirti Renu Mishra, AOR  
M/s. Karanjawala & Co., AOR  
Mr. Sureshan P., AOR  
Mr. Kumar Sudeep, Adv.  
Ms. Dharitry Phookan, AOR  
Mr. Chandan Kumar, AOR  
Mr. Gaurav, AOR  
Mr. Ashok Mathur, AOR  
Ms. Manisha Ambwani, AOR  
Ms. Chandan Ramamurthi, AOR  
Ms. Mona K. Rajvanshi, AOR  
Mr. Mishra Saurabh, AOR  
Mr. Christopher Dsouza, AOR  
Ms. Divya Roy, AOR  
Mr. Kabir Dixit, AOR

Mr. S. K. Verma, AOR  
Mr. Somanatha Padhan, AOR  
Ms. Anindita Pujari, AOR  
Mr. Rajat Mittal, AOR  
Mr. Rahul Joshi, AOR  
Mr. Vipin Kumar Jai, AOR  
M/s. Shakil Ahmad Syed, AOR  
Mr. Ravindra Sadanand Chingale, AOR  
Mr. Sumit Sinha, AOR  
Mr. T. Mahipal, AOR  
Ms. Shilpa Liza George, AOR  
Mr. Ranjit Kumar Sharma, AOR  
M/s. D.S.K. Legal, AOR  
Mr. G. N. Reddy, AOR  
Mr. Vishnu Sharma, AOR  
Mr. Ritesh Agrawal, AOR  
Ms. Indra Sawhney, AOR  
Mr. Aneesh Mittal, AOR  
Mr. Vishal Gupta, AOR  
Ms. Mridula Ray Bharadwaj, AOR  
Mr. Aman Gupta, AOR  
Mr. Chandra Prakash, AOR  
Mr. Bhuwan Raj, AOR  
Mr. E. C. Vidya Sagar, AOR  
Mr. Dharmendra Kumar Sinha, AOR

Mr. Uddyam Mukherjee, AOR  
Mr. Anil Kumar Mishra-I, AOR  
Mr. Kaushik Choudhury, AOR  
Mr. Rohit Amit Sthalekar, AOR  
Mr. Anas Tanwir, AOR  
Mr. Ejaz Maqbool, AOR  
Ms. Charu Ambwani, AOR  
Ms. Swarupama Chaturvedi, AOR  
Mr. Rishi Matoliya, AOR  
Mr. Tahir Ashraf Siddiqui, AOR  
Ms. Anubha Agrawal, AOR  
Ms. Bharti Tyagi, AOR  
Mr. Anoop Prakash Awasthi, AOR  
Mr. Anil K. Chopra, AOR  
Mr. Kedar Nath Tripathy, AOR  
Ms. Rashmi Singh, AOR  
Mr. Sunil Fernandes, AOR  
Ms. Rajkumari Banju, AOR  
M/s. V. Maheshwari & Co., AOR  
Mr. Ajit Sharma, AOR  
Ms. Aruna Gupta, AOR



**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:

Sr. No.	Name of Bank	Name of Official
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 23.07.20219 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