

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 (Civil) No.940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.100821/2021 - FOR DIRECTIONS; IA No.110402/2020 - FOR PERMISSION TO PLACE ADDITIONAL DOCUMENTS ON RECORD ; IA No.110027/2020 - FOR PLACING AFFIDAVIT ON RECORD; IA No.50370/2020 - APPROPRIATE ORDERS/DIRECTIONS; IA No.109599/2020 - APPROPRIATE ORDERS/DIRECTIONS; IA No.100822/2021 - APPROPRIATE ORDERS/DIRECTIONS; IA No.109576/2020 - CLARIFICATION/DIRECTION; IA No.189314/2019 - COMPLIANCE OF COURTS ORDER; IA No.109596/2020 - INTERVENTION/IMPLEADMENT; IA No.109573/2020 - INTERVENTION/IMPLEADMENT; IA No.105017/2021 - FOR INTERVENTION/IMPLEADMENT; IA No.60700/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES; IA No.127793/2019 - FOR RECALLING THE COURT'S ORDER; and, IA No.127787/2019 - FOR RECALLING THE COURT'S ORDER)

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)

(IA No.78918/2021 - FOR APPROPRIATE ORDERS/DIRECTIONS; and, IA No.110167/2020 - FOR INTERVENTION APPLICATION)

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 : 22-08-2022 These matters were called on for hearing today.

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

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

PART - I

Re.: NOTE ON SALE OF FAR

In keeping with the directions issued on the last occasion, Mr. Ravindra Kumar, learned Senior Advocate appearing for NOIDA/Greater NOIDA, has submitted Notes in respect of two projects from NOIDA and four projects from Greater NOIDA.

Mr. Ravindra Kumar, learned Senior Advocate prays for and is granted additional time of two days to file the appropriate response with respect to the fifth project of Greater NOIDA.

Learned Court Receiver may thereafter file his response to the Notes submitted on behalf of NOIDA/Greater NOIDA.

Let the needful be done by 31.08.2022.

List this matter for consideration on 03.09.2022 at 10.30 a.m.

PART - II

Re.: NOTE DATED 05.08.2022 SUBMITTED ON BEHALF OF NBCC

In pursuance of the directions issued in the Order dated 08.08.2022, learned Court Receiver uploaded the contents of application on the official website so that adequate intimation and notice could be given to the concerned Residents Welfare Associations.

Mr. Kumar Mihir, learned Advocate appearing for the Amrapali Princely Estate Apartment Owners Association submits that the response on behalf of said Association in the form of a Note has already been filed in this Court.

Let a copy of the Note be given to the learned Court Receiver.

According to the learned Court Receiver, apart from said Note, no other response has been received by the Office of the Court Receiver.

Learned Court Receiver has assured the Court that he will use his good offices to impress upon the Members of the Association and the Officials of NBCC to file a joint application, if necessary, so that all procedural formalities can be taken care of.

At the request of the learned Court Receiver, the matter is adjourned to 03.09.2022.

PART - III

Re.: MATTERS CONCERNING SUREKHA FAMILY

[IA No.127787 of 2019 - For Recall of Order dated 23.07.2019 (Vol. No.I-85); IA No.127793 of 2019 - For Recall of Order dated 23.07.2019 (Vol. No.I-86); IA No.189314 of 2019 - Application on behalf of Surekha Family in Compliance of Court's Order (Vol. No.I-103); IA No.60700 of 2020 - For placing on record documents on behalf of Surekha Family (Vol. No.I-119); , IA No.110027 of 2020 - For placing on record affidavit dated 02.05.2019; (Vol. No.I-149); IA No.110402 of 2020 - For placing on record additional document (Vol. No.I-150); and, Document Vol. No.R-64 - Reply on behalf of Surekha Family to IA No.50370 of 2020; Document Vol No.R-71 - Objection on behalf of Surekha Group; Document Vol No.R-101 - Convenience Note-I; Document Vol No.R-102 - Convenience Note-2; Document Vol No.R-143 - Convenience Note Vol.-I dated 04.01.2021; Document Vol No.R-144 - Convenience Note Vol.-2 dated 04.01.2021; and, Document Vol No.R-170 - Affidavit on behalf of Surekha Group.]

Mr. Pavan Aggarwal, learned Forensic Auditor has placed two Volumes containing 'copies of the bills'. In his submission, the Report given by him which was the fulcrum of the Order dated 23.07.2019 passed by this Court, had referred to the conclusions of the Forensic Auditors along with Tabular Charts. The present bills contained in these two Volumes are merely to substantiate the Report already made and supplemental to his Note dated 17.05.2022.

It is further submitted that copies of these documents have already been given to the concerned parties.

Status Report on behalf of the Enforcement Directorate concerning investigation in relation to Surekha Family has also been placed on record. According to said Report, supplies of TMT Bars to the tune of Rs.215 Crores were not found to be genuine but the Report submits that detailed investigation under the provisions of the Prevention of Money Laundering Act, 2002 is still underway and that appropriate steps shall thereafter be undertaken.

Mr. Sanjay Jain, learned Additional Solicitor General appearing for the Enforcement Directorate submits that in about four weeks' time, the investigation is expected to be over whereafter appropriate proceedings, if necessary, will be initiated.

Dr. Abhishek Manu Singhvi and Mr. Kavin Gulati, learned Senior Advocates appearing for Surekha Family, submit *inter alia*:

- a. That the proceedings be adjourned suitably so that the final Status Report, after conclusion of the entire investigation, is placed before this Court by the Enforcement Directorate.
- b. In any case, adequate security in the form of charge on immovable properties has already been furnished to this Court and, as such, the interest of the flat-buyers stands taken care of.

Mr. M.L. Lahoty, learned Advocate appearing on behalf of the flat-buyers on the other hand submits:

- a. As found by this Court in its Order dated 23.07.2019, sums to the tune of Rs.760 Crores were siphoned away in favour of the Surekha Group of Companies.
- b. The supplies which were and are being looked into by the Enforcement Directorate pertained only to the TMT Bars, whereas the supplies by Jotindra Steel and Tubes Pvt. Ltd. (JSTL) and Mauria Udyog Ltd. (MUL) were not confined to TMT Bars alone.

At this stage, Mr. Sanjay Jain, learned Additional Solicitor General submits that Non-TMT Bar Supplies, according to the Department, were to the tune of more than Rs.70 Crores.

Having considered the relevant facts and circumstances, in our view, we need not wait for the outcome of the investigation undertaken or to be undertaken by the Enforcement Directorate and the matter can certainly be proceeded further on the strength of the material as it stands before the Court.

The Report given by the Forensic Auditor supplemented by his Note and the documents which are presently placed on record, along with the final Status Report, if submitted

before the next date of hearing, in our view, should be sufficient to proceed further.

We, therefore, direct that the matter be listed for disposal on 03.09.2022.

The Status Report, which was placed before us in a sealed cover, is now directed to be re-sealed and should be kept in that condition till further orders.

PART - IV

Re.: I.A. Nos.97096, 97097, 97093, 100940 and 100945 of 2021 - Applications on behalf of Mr. Joginder Singh, Petitioner-in-Person (Vol.No.I-175); I.A. No.170191 of 2021 - For Submission of Additional Documents (Vol. No.I-184); Rejoinder to Reply on behalf of State of Uttar Pradesh (Vol. No.R-186); Submission of Reply to the affidavit filed on behalf of NOIDA Authority (Vol. No.R-201)

List this matter for disposal on 03.09.2022.

PART - V

All the remaining Interlocutory Applications on Board are adjourned to 03.09.2022 at 10.30 a.m.

(MUKESH NASA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER