

ITEM NO.301

COURT NO.8

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(s)(Civil) No(s). 940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

WITH

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

FOR CLARIFICATION/DIRECTION ON IA 124195/2017

FOR CLARIFICATION/DIRECTION ON IA 7355/2018)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100082/2017

FOR CLARIFICATION/DIRECTION ON IA 7366/2018

FOR CLARIFICATION/DIRECTION ON IA 35933/2018

FOR INTERVENTION/IMPLEADMENT ON IA 37155/2018

FOR [I/A ON BEHALF OF RESP. NO 13 SEEKING PERMISSION TO PURSUE
COMPANY APPLI. NO. 17(P.B) OF 2018 AND] ON IA 41987/2018)

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

FOR CLARIFICATION/DIRECTION ON IA 102714/2017)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100453/2017

FOR CLARIFICATION/DIRECTION ON IA 6312/2018)

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

FOR ON IA 109963/2017

FOR CLARIFICATION/DIRECTION ON IA 25742/2018

FOR CLARIFICATION/DIRECTION ON IA 35467/2018

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 60314/2018

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 64019/2018)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 124701/2017)

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

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

FOR CLARIFICATION/DIRECTION ON IA 36571/2018)

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

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 135678/2017)

W.P.(C) No. 1242/2017 (X)

W.P.(C) No. 8/2018 (X)

W.P.(C) No. 21/2018 (X)

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

W.P.(C) No. 91/2018 (X)

W.P.(C) No. 57/2018 (X)
FOR CLARIFICATION/DIRECTION ON IA 64604/2018)

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

W.P.(C) No. 58/2018 (X)

W.P.(C) No. 52/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 25842/2018)

W.P.(C) No. 131/2018 (X)
FOR [APPLICATION FOR STAY/DIRECTIONS] ON IA 25109/2018)

W.P.(C) No. 134/2018 (X)
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 27092/2018)

W.P.(C) No. 160/2018 (X)

W.P.(C) No. 182/2018 (X)

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

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

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

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

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

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

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

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

W.P.(C) No. 288/2018 (X)
(FOR ADMISSION)

**W.P.(C) No. 281/2018 (X)
FOR STAY APPLICATION ON IA 48296/2018)**

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

**W.P.(C) No. 353/2018 (X)
(FOR ADMISSION and IA No.57585/2018-STAY APPLICATION)**

**W.P.(C) No. 460/2018 (X)
(FOR ADMISSION)**

**W.P.(C) No. 742/2018 (X)
(FOR ADMISSION)**

W.P. (C) No. 829 of 2018

Date : 04-09-2018 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

We have heard learned counsel for the parties. Proposal has been submitted by the NBCC in the booklet form. Let it be placed on record alongwith an affidavit of a responsible officer of the NBCC. Let copy of the same be circulated to the learned counsel appearing for the parties.

Let Amrapali Group of Companies file a response to the

NBCC's proposal for completion of the project.

We have heard Sh. Gaurav Bhatia about the property which can be sold. He has attracted our attention to the affidavit of Shri Anil Kumar Sharma in terms of the Court's order 10.5.2018 filed with respect to I.A. No. 7366 of 2018 in W.P. No. 942 of 2017.

He has submitted that Saleable Area Commercial is described at page 20 of the affidavit. The value is given as per the development model not the Distress Sale Value. Let Distress Sale Value be also stated on affidavit and with respect to the fact that what are the encumbrances and also the dues of Noida/Greater Noida Authorities as against the property as mentioned at page 20 of the affidavit.

He has also attracted our attention to the list of encumbered property at page 27 of the affidavit and list of unencumbered property at page 28.

Let affidavit be filed specifically stating with respect to the nature and extent of encumbrances with respect to encumbered property and how much is the amount due and what are the documents executed.

With respect to list of unencumbered property also mentioned at page 28 there are certain dues of Noida/Greater Noida Authority that may be clearly specified and let affidavit also specifically state that these property are otherwise unencumbered properties. Affidavit in detail be filed in this regard too.

With respect to the audit, the accounts for three years have not been made available to statutory Auditor as pointed out by

Mr. Anil Mittal of Anil Ajay & Co., appointed by this Court.

Mr. Maninder Singh learned senior counsel has urged that there is necessity of appointing independent auditors so as to conduct forensic audit. He has prayed for time to suggest the names in this regard. It was also pointed out by the learned counsel appearing for the Bank of Baroda that certain audit exercise has been undertaken on behalf of the Bank of Baroda with respect to the transaction entered into with Bank of Baroda which was the subject matter of other proceedings. Let the names of Auditor be suggested so as to conduct deep and pervasive forensic audit of the Amrapali Group of Companies.

Suggestions be made on the next date of hearing.

Mr. Shyam Diwan, and Mr. Siddharth Luthra, learned senior counsel have pressed I.A. Nos. 124711-124712 of 2018 and I.A. No. 36562 of 2018. These I.As are to be considered after forensic Audit is concluded and a report is received.

List on 6th September, 2018.

(NEELAM GULATI)
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(JAGDISH CHANDER)
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