

ITEM NO.301

Virtual Court 3

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)

(Mr. R. Venkataramani, Senior Advocate Court Receiver, 9810455328 and Mr. Pavan Aggarwal, Auditor and Amicus Curiae, Mr. Ravinder Bhatia, Forensic Auditor , 9811038333[HEARD BY: HON. ARUN MISHRA AND HON. UDAY UMESH LALIT, JJ.]

IA No. 131601/2019 - APPLICATION FOR PERMISSION
 IA No. 54332/2019 - APPLICATION FOR PERMISSION
 IA No. 181365/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 6282/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 55926/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 111769/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 153528/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 49139/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 52738/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 54085/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 58648/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 76633/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 116755/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 131434/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 183660/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50370/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 53773/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 8260/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 55290/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 116711/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 152863/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 1023/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 14452/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 35266/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50211/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 196088/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 54082/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 74001/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 52623/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 88895/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 134223/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 158676/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 49478/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 156505/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 6286/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 166632/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 54074/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 69987/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77230/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 137700/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 141736/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 155954/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 4046/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55922/2018 - CLARIFICATION/DIRECTION
IA No. 137609/2018 - CLARIFICATION/DIRECTION
IA No. 58660/2019 - CLARIFICATION/DIRECTION
IA No. 68982/2019 - CLARIFICATION/DIRECTION
IA No. 137696/2019 - CLARIFICATION/DIRECTION
IA No. 51806/2018 - CLARIFICATION/DIRECTION
IA No. 137605/2018 - CLARIFICATION/DIRECTION
IA No. 71649/2019 - CLARIFICATION/DIRECTION
IA No. 153341/2019 - CLARIFICATION/DIRECTION
IA No. 165891/2019 - CLARIFICATION/DIRECTION
IA No. 180011/2019 - CLARIFICATION/DIRECTION
IA No. 152091/2018 - CLARIFICATION/DIRECTION
IA No. 18595/2019 - CLARIFICATION/DIRECTION
IA No. 179265/2019 - CLARIFICATION/DIRECTION
IA No. 130673/2018 - CLARIFICATION/DIRECTION
IA No. 146057/2018 - CLARIFICATION/DIRECTION
IA No. 71035/2019 - CLARIFICATION/DIRECTION
IA No. 98419/2019 - CLARIFICATION/DIRECTION
IA No. 128348/2019 - CLARIFICATION/DIRECTION
IA No. 135354/2019 - CLARIFICATION/DIRECTION
IA No. 140455/2019 - CLARIFICATION/DIRECTION
IA No. 6608/2018 - CLARIFICATION/DIRECTION
IA No. 185514/2018 - CLARIFICATION/DIRECTION
IA No. 54336/2019 - CLARIFICATION/DIRECTION
IA No. 125860/2018 - CLARIFICATION/DIRECTION
IA No. 140746/2018 - CLARIFICATION/DIRECTION
IA No. 114496/2019 - CLARIFICATION/DIRECTION
IA No. 28883/2020 - CLARIFICATION/DIRECTION
IA No. 96889/2018 - CLARIFICATION/DIRECTION
IA No. 138861/2018 - CLARIFICATION/DIRECTION
IA No. 13529/2019 - CLARIFICATION/DIRECTION
IA No. 121625/2019 - CLARIFICATION/DIRECTION
IA No. 186953/2019 - CLARIFICATION/DIRECTION
IA No. 95273/2018 - CLARIFICATION/DIRECTION
IA No. 138856/2018 - CLARIFICATION/DIRECTION
IA No. 189314/2019 - COMPLIANCE OF COURTS ORDER
IA No. 55930/2019 - EX-PARTE AD-INTERIM RELIEF
IA No. 50844/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 52665/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 49720/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 53343/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 53322/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 49239/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 52920/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 50855/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 52833/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 53774/2020 - EXEMPTION FROM FILING O.T.
 IA No. 54083/2020 - EXEMPTION FROM FILING O.T.
 IA No. 128852/2018 - EXEMPTION FROM FILING O.T.
 IA No. 161945/2018 - EXEMPTION FROM FILING O.T.
 IA No. 14369/2019 - EXEMPTION FROM FILING O.T.
 IA No. 54077/2020 - EXEMPTION FROM FILING O.T.
 IA No. 58661/2019 - EXEMPTION FROM FILING O.T.
 IA No. 49140/2020 - EXEMPTION FROM FILING O.T.
 IA No. 15119/2020 - EXTENSION OF TIME
 IA No. 7529/2019 - EXTENSION OF TIME
 IA No. 172502/2019 - EXTENSION OF TIME
 IA No. 183079/2019 - EXTENSION OF TIME
 IA No. 172357/2019 - EXTENSION OF TIME
 IA No. 6092/2020 - EXTENSION OF TIME
 IA No. 135815/2017 - I/A U/S 152 R/W SECTION 151 OF THE CODE OF
 CIVIL PROCEDURE, 1908 SEEKING CLARIFICATIONS IN RESPECT OF
 IA No. 6855/2018 - IA FOR GRANTING PERMISSION TO ACCESS THE PORTAL
 FACILITY
 IA No. 168186/2018 - INTERVENTION APPLICATION
 IA No. 13175/2019 - INTERVENTION APPLICATION
 IA No. 77217/2019 - INTERVENTION APPLICATION
 IA No. 127385/2019 - INTERVENTION APPLICATION
 IA No. 141728/2019 - INTERVENTION APPLICATION
 IA No. 166626/2019 - INTERVENTION APPLICATION
 IA No. 15764/2020 - INTERVENTION APPLICATION
 IA No. 154433/2018 - INTERVENTION APPLICATION
 IA No. 21443/2019 - INTERVENTION APPLICATION
 IA No. 48140/2019 - INTERVENTION APPLICATION
 IA No. 126062/2019 - INTERVENTION APPLICATION
 IA No. 137695/2019 - INTERVENTION APPLICATION
 IA No. 141201/2019 - INTERVENTION APPLICATION
 IA No. 1891/2020 - INTERVENTION APPLICATION
 IA No. 49138/2020 - INTERVENTION APPLICATION
 IA No. 52737/2020 - INTERVENTION APPLICATION
 IA No. 54084/2020 - INTERVENTION APPLICATION
 IA No. 163675/2018 - INTERVENTION APPLICATION
 IA No. 179645/2018 - INTERVENTION APPLICATION
 IA No. 48133/2019 - INTERVENTION APPLICATION
 IA No. 71647/2019 - INTERVENTION APPLICATION
 IA No. 76585/2019 - INTERVENTION APPLICATION
 IA No. 165888/2019 - INTERVENTION APPLICATION
 IA No. 53771/2020 - INTERVENTION APPLICATION
 IA No. 174865/2018 - INTERVENTION APPLICATION
 IA No. 8259/2019 - INTERVENTION APPLICATION
 IA No. 116644/2019 - INTERVENTION APPLICATION
 IA No. 161713/2019 - INTERVENTION APPLICATION
 IA No. 183474/2019 - INTERVENTION APPLICATION
 IA No. 173033/2018 - INTERVENTION APPLICATION
 IA No. 16636/2019 - INTERVENTION APPLICATION
 IA No. 45717/2019 - INTERVENTION APPLICATION
 IA No. 95349/2019 - INTERVENTION APPLICATION
 IA No. 116634/2019 - INTERVENTION APPLICATION
 IA No. 128346/2019 - INTERVENTION APPLICATION

IA No. 140450/2019 - INTERVENTION APPLICATION
IA No. 151017/2019 - INTERVENTION APPLICATION
IA No. 49702/2020 - INTERVENTION APPLICATION
IA No. 54079/2020 - INTERVENTION APPLICATION
IA No. 156964/2018 - INTERVENTION APPLICATION
IA No. 185510/2018 - INTERVENTION APPLICATION
IA No. 38101/2019 - INTERVENTION APPLICATION
IA No. 70637/2019 - INTERVENTION APPLICATION
IA No. 73996/2019 - INTERVENTION APPLICATION
IA No. 138009/2019 - INTERVENTION APPLICATION
IA No. 146529/2019 - INTERVENTION APPLICATION
IA No. 52621/2020 - INTERVENTION APPLICATION
IA No. 53321/2020 - INTERVENTION APPLICATION
IA No. 38092/2019 - INTERVENTION APPLICATION
IA No. 60421/2019 - INTERVENTION APPLICATION
IA No. 73680/2019 - INTERVENTION APPLICATION
IA No. 114490/2019 - INTERVENTION APPLICATION
IA No. 134222/2019 - INTERVENTION APPLICATION
IA No. 138008/2019 - INTERVENTION APPLICATION
IA No. 142631/2019 - INTERVENTION APPLICATION
IA No. 13528/2019 - INTERVENTION APPLICATION
IA No. 32985/2019 - INTERVENTION APPLICATION
IA No. 133574/2019 - INTERVENTION APPLICATION
IA No. 183939/2019 - INTERVENTION APPLICATION
IA No. 20142/2020 - INTERVENTION APPLICATION
IA No. 54071/2020 - INTERVENTION APPLICATION
IA No. 28758/2019 - INTERVENTION/IMPLEADMENT
IA No. 50494/2019 - INTERVENTION/IMPLEADMENT
IA No. 71855/2019 - INTERVENTION/IMPLEADMENT
IA No. 116985/2019 - INTERVENTION/IMPLEADMENT
IA No. 181509/2019 - INTERVENTION/IMPLEADMENT
IA No. 3573/2020 - INTERVENTION/IMPLEADMENT
IA No. 165056/2018 - INTERVENTION/IMPLEADMENT
IA No. 181362/2018 - INTERVENTION/IMPLEADMENT
IA No. 6281/2019 - INTERVENTION/IMPLEADMENT
IA No. 9802/2019 - INTERVENTION/IMPLEADMENT
IA No. 55921/2019 - INTERVENTION/IMPLEADMENT
IA No. 68249/2019 - INTERVENTION/IMPLEADMENT
IA No. 111762/2019 - INTERVENTION/IMPLEADMENT
IA No. 374/2019 - INTERVENTION/IMPLEADMENT
IA No. 58642/2019 - INTERVENTION/IMPLEADMENT
IA No. 108144/2019 - INTERVENTION/IMPLEADMENT
IA No. 131433/2019 - INTERVENTION/IMPLEADMENT
IA No. 140830/2019 - INTERVENTION/IMPLEADMENT
IA No. 183658/2019 - INTERVENTION/IMPLEADMENT
IA No. 163248/2018 - INTERVENTION/IMPLEADMENT
IA No. 185798/2018 - INTERVENTION/IMPLEADMENT
IA No. 18593/2019 - INTERVENTION/IMPLEADMENT
IA No. 45892/2019 - INTERVENTION/IMPLEADMENT
IA No. 55240/2019 - INTERVENTION/IMPLEADMENT
IA No. 58590/2019 - INTERVENTION/IMPLEADMENT
IA No. 66978/2019 - INTERVENTION/IMPLEADMENT
IA No. 74906/2019 - INTERVENTION/IMPLEADMENT

IA No. 125844/2019 - INTERVENTION/IMPLEADMENT
 IA No. 152862/2019 - INTERVENTION/IMPLEADMENT
 IA No. 179264/2019 - INTERVENTION/IMPLEADMENT
 IA No. 12891/2020 - INTERVENTION/IMPLEADMENT
 IA No. 35263/2020 - INTERVENTION/IMPLEADMENT
 IA No. 57916/2019 - INTERVENTION/IMPLEADMENT
 IA No. 63137/2019 - INTERVENTION/IMPLEADMENT
 IA No. 71032/2019 - INTERVENTION/IMPLEADMENT
 IA No. 124657/2019 - INTERVENTION/IMPLEADMENT
 IA No. 135352/2019 - INTERVENTION/IMPLEADMENT
 IA No. 158682/2019 - INTERVENTION/IMPLEADMENT
 IA No. 196084/2019 - INTERVENTION/IMPLEADMENT
 IA No. 6260/2020 - INTERVENTION/IMPLEADMENT
 IA No. 29767/2020 - INTERVENTION/IMPLEADMENT
 IA No. 172228/2018 - INTERVENTION/IMPLEADMENT
 IA No. 7040/2019 - INTERVENTION/IMPLEADMENT
 IA No. 57258/2019 - INTERVENTION/IMPLEADMENT
 IA No. 61391/2019 - INTERVENTION/IMPLEADMENT
 IA No. 122366/2019 - INTERVENTION/IMPLEADMENT
 IA No. 181715/2018 - INTERVENTION/IMPLEADMENT
 IA No. 52105/2019 - INTERVENTION/IMPLEADMENT
 IA No. 56892/2019 - INTERVENTION/IMPLEADMENT
 IA No. 70159/2019 - INTERVENTION/IMPLEADMENT
 IA No. 88894/2019 - INTERVENTION/IMPLEADMENT
 IA No. 155967/2019 - INTERVENTION/IMPLEADMENT
 IA No. 28880/2020 - INTERVENTION/IMPLEADMENT
 IA No. 55504/2020 - INTERVENTION/IMPLEADMENT
 IA No. 156503/2018 - INTERVENTION/IMPLEADMENT
 IA No. 169415/2018 - INTERVENTION/IMPLEADMENT
 IA No. 181491/2018 - INTERVENTION/IMPLEADMENT
 IA No. 6285/2019 - INTERVENTION/IMPLEADMENT
 IA No. 71865/2019 - INTERVENTION/IMPLEADMENT
 IA No. 112184/2019 - INTERVENTION/IMPLEADMENT
 IA No. 127468/2019 - INTERVENTION/IMPLEADMENT
 IA No. 166629/2019 - INTERVENTION/IMPLEADMENT
 IA No. 55495/2020 - INTERVENTION/IMPLEADMENT
 IA No. 183661/2019 - MODIFICATION
 IA No. 135446/2018 - MODIFICATION
 IA No. 125846/2019 - MODIFICATION
 IA No. 182673/2019 - MODIFICATION
 IA No. 182079/2019 - MODIFICATION
 IA No. 182077/2019 - MODIFICATION
 IA No. 169613/2018 - MODIFICATION OF COURT ORDER
 IA No. 50673/2019 - MODIFICATION OF COURT ORDER
 IA No. 154749/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 136967/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 52662/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 4071/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 51144/2020 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

**IA No. 118710/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

IA No. 140269/2017 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 127793/2019 - RECALLING THE COURTS ORDER

IA No. 127787/2019 - RECALLING THE COURTS ORDER

IA No. 66979/2019 - STAY APPLICATION

IA No. 50374/2018 - VACATING STAY

IA No. 143227/2018 - WITHDRAWAL OF CASE / APPLICATION)

Date : 18-06-2020 This matter was called on for hearing today.

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HON'BLE MR. JUSTICE UDAY UMESH LALIT**

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

I.A.No. 50370 of 2020

We have considered the application of Housing Development Finance Corporation. Mr. Mahesh Jethmalani, learned senior counsel, has prayed for time to submit the documents with respect to the kinds of projects undertaken by Surekha Family and the security which was furnished with the Bank. The agreement should also be placed on record before the next date of hearing.

I.A.No. 50211 of 2020 [Dewan Housing Corporation Ltd.]

We have requested the learned Receiver as well as the learned counsel appearing for Dewan Housing to ponder on the matter and to work out a solution and the same be placed on record before the next date of hearing.

I.A.No. 53321 of 2020

We have heard the learned counsel appearing for UCO Bank as well as the learned Receiver. Time has been prayed for by the learned counsel to work out a solution. Let the requisite be done positively before the next date of hearing.

MSTC Report

We have considered the status report of MSTC. Let the dues be ascertained and be specified as far as possible and placed on record before the next date of hearing. Amrapali Group to assist the Receiver/MSTC in this regard.

I.A. No. 49702 of 2020

We have heard Mr. Harish Salve, learned senior counsel, appearing for SBI CAP. It is submitted that SBI CAP is working on the plan. Time is prayed to finalise the same by the learned senior counsel.

Let the requisite information be furnished by the learned Receiver. We also request the Forensic Auditors to assist in furnishing the information within a week.

I.A.No. 52662 of 2020 [Enforcement Directorate]

We have heard Mr. Harish Salve, learned senior counsel, appearing on behalf of M/s J.P. Morgan, on the application filed by the Enforcement Directorate, at length.

A finding recorded in the order passed by this Court on 23.07.2019 that there is a liability of M/s J.P. Morgan to pay Rs. 140 crores along with interest and since the money has been attached under PMLA by Enforcement Directorate, the attachment has to be continued till the decision of the matter, we consider it appropriate that let the attached money of the home buyers, which is diverted as found in the aforesaid order, be transmitted by the Enforcement Directorate to the Amrapali Account [UCO Bank A/c No. 02070210002834] maintained by the Registry of this Court and be utilized for the purpose of construction of the projects. There is liability of M/s. J.P. Morgan to pay as per order dated 23.7.2019. However, the effect of the order to be passed under PMLA shall be considered by this Court in accordance with law as and when it is passed.

Proceedings before the PMLA will be uninfluenced by the findings recorded in our order dated 23.07.2019 as well as this order.

I.A.No. 1023 of 2020 & I.A.No. 3573 of 2020M/s Mahagun Real Estate Pvt. Ltd.

Considered the application filed by M/s Mahagun Real Estate Pvt. Ltd. Let the Noida Authority file all the agreements which

were executed by the parties, as depicted in their chart, the details of allotments made in the year 2010 and the alterations/lease/sub-lease made thereafter or the sub-lease granted to any of the companies or the incumbents, be also clarified and their agreements be placed on record. The names of the Directors of the Baseline Infradevelopers Pvt. Ltd. and the companies referred in chart be disclosed on affidavit by all concerned parties.

Heart Beat City

A soft copy of the Forensic Report about the Heart Beat City be furnished by the Forensic Auditors to Mr. Dhruv Mehta, learned senior counsel appearing for Heart Beat City, within a period of three days from today. Objections, if any, be filed within 15 days thereafter.

I.A.Nos. 54071/2020, 54074/2020, 52737/2020, 53771/2020, 53773/2020, 54079/2020, 54082/2020, 55495/2020 in I.A.No. 54082/2020, 55504/2020 in I.A.No. 53773/2020, 52621/2020, 52623/2020, 54084/2020, 54085/2020 [INTERVENTION/IMPLEADMENT APPLICATIONS]

The applications are dismissed as withdrawn. However, liberty is granted to the applicants to avail appropriate remedy afresh, in case it is considered necessary, and to approach the authority.

In re: Surekha Family:

We have considered the reply on behalf of Surekha Family to the application for directions filed by Housing Development Finance Corporation Ltd. Mr. Mahesh Jethmalani, learned senior counsel,

has prayed for time to argue the matter, and to file objection/s. Let objection/s be filed within 15 days.

List on the next date of hearing. The Economic Offences Wing (EOW) is stated to have filed an FIR [being FIR No. 191/2016] against Surekha Family. Let the status report of the FIR be placed on record.

In Re: Floating of tender by NBCC:

Let NBCC float the tenders for the remaining projects in consultation with the learned Receiver.

In Re: Financing of home-buyers by Banks:

With respect to the financing by the banks, subvention agreements may be suggested by the learned Receiver to the Banks.

Miscellaneous:

With respect to common facilities, the learned Receiver may finalise the matter with respect to Noida and Greater Noida Authorities.

Let the shifting charges be released by the Registry as requested by the learned Receiver.

Let an amount of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) be released by the Registry to the learned Receiver towards office expenses from the Amrapali A/c [UCO Bank A/c No. 02070210002834].

I.A. No. 141062/2019, 155624/2019

Learned counsel not available when the I.As. were taken up.

List the matter on 10.07.2020 at 02.00 PM.

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(JAGDISH CHANDER)
ASSISTANT REGISTRAR**