

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
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)

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 : 08-08-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
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

1. Heard the learned counsel for the parties.
2. Pursuant to the previous directions dated 1.8.2018 and 2.8.2018, list of eight individual, their details of accounts of Directors viz. Mr. Anil Kumar Sharma, Mr. Shiv

Priya, Mr.Ajay Kumar, Mr.Suvash Chandra Kumar, Mr. Amresh Kumar, Mr.Sunil Kumar, Mr.Sudhir Kumar Choudhary and Mr. Vinay Vishal have been furnished. The said account have already been freezed. Let Registry intimate to the banks forthwith of the freezing of individual accounts mentioned in X-3/1 to X-3/8 of the Directors.

3. Let the certified bank accounts contained in X/1 to X/3, right from 2008 till date, be furnished by the Group of Companies as well as the individual Directors, within a period of fifteen days from today to this court.

4. It was also stated before us that, at present, there are only eight Directors. Let the specific affidavit of eight Directors mentioned above be filed and that of the Chairperson of the Group of Companies in this regard. Let the entire information be furnished with respect to the persons who have remained Directors w.e.f. 2008 till date, at any point of time of the aforesaid companies of which list have been furnished. Let the details along with the bank accounts of all such Directors be furnished within fifteen days. The accounts, if any, of two companies which are stated to have not been able to start business be also furnished to this Court and also whether they had opened any account or details of those accounts be furnished along with amount transacted thereunder. In case, they had opened any account, the details of those accounts be furnished along with amount transacted therein. Certified account be placed on record within

fifteen days.

5. It was also stated by Mr. Lahoti that there are seven more companies of which list was furnished to the counsel of Amrapali Group whose accounts have not been furnished. Let specific affidavit be filed regarding aforesaid fact including the name of the Directors, Account Numbers etc.

6. It was stated that as per order dated 02.08.2018 Auditors have supplied the requisite documents. Let the Auditor appointed by this Court furnish upto date report, right from 2008, to this Court as per the order passed by this court on 2.8.2018.

7. It is also stated about Heart Beat City Project that the amount of purchase money from buyers was collected by the concerned Amrapali Group or in the capacity of the Marketing Agent of Heart Beat City. Let the names of Directors of Heart Beat City and the agreements which have been executed with the buyers with respect to Heart Beat City, including the information as to how in what capacity and under which agreement Amrapali Group of companies acted in the matter its agreement with Heart Beat City be also placed on record.

8. It was stated with respect to two projects, i.e. Silicon City as well as Zodiac, IRP have been appointed to make the collection of the electricity/ water and maintenance charges etc. It was stated before us by

Mr. Kumar Mihir, learned counsel on being instructed by Shri Joginder Singh that IRP has not started functioning in the Zodiac project. With respect to Silicon City, it was stated by Shri Rajesh Samson, that after the order passed by this Court in April, 2018, IRP is not functioning. However, it was stated that some amount used to be collected by the IRP and that was credited in the account of the Amrapali Silicon City, special account created for the purpose of IRP for collection of electricity dues/ water charges as well as maintenance etc. The account Nos.21580200000209, and 21580200000210, were opened in Bank of Baroda. In the circumstances, we feel that since IRP is not actively working at present, it is not necessary to continue with the IRP any more and for the present they are discharged.

9. It was stated before us by Mr. Gaurav Bhatia, assisted by Mr.Utkarsh Jaiswal and Abhishek Singh, on behalf of the Amrapali Group of Companies that as the main meters regarding electricity consumption are in the name of Amrapali Group of Companies and there are sub-meters provided to the inhabitants in the individual names, as per those sub-meters, the collection of charge for electricity, maintenance etc. used to be made in advance by the Amrapali Group of Companies/the maintenance company appointed for the purpose by it. Let the amount be deposited in same

manner unless otherwise ordered and similar method be adopted for Silicon City and Zodiac projects too.

10. In the circumstances, as it was stated before us that in certain towers electricity connections have been disconnected. We direct the Electricity Companies of the Paschimanchal Vidyut Vitaran Nigam Limited (PVVNL) and Noida Power Company Limited (NPCL) to restore the electricity connection forthwith. However, the charges for the month of July, if not paid, shall be paid by the residents to the Amrapali Group of Companies/maintenance companies employed by it for this purpose. With respect to deposit of arrears, how they have accumulated and default on whose part be stated to pass appropriate orders on the next date, in this regard.

11. Amrapali Group of Companies is directed to furnish the names of maintenance companies/assistants project wise. Project wise information, details of amount collected from inhabitants so far including the Silicon and Zodiac Towers and how much has been actually deposited. Accounts Statement to clearly indicate how much has been collected and how much is still with the Amrapali Group of Companies/maintenance companies to be deposited towards dues of electricity, water connection etc.

12. As prayed, Mr.Vishal Singh, IRP is given liberty to file appropriate application with respect to the

collection of charges for the past services. That will be considered on its own merits.

13. Let the affidavit of each Directors, Managing Directors be filed with respect to valuation of all the immovable properties/ movable properties held by them in any capacity be furnished to this Court on affidavit, within 15 days from today, including that of Group of Companies.

14. It was stated by Shri Gaurav Bhatia learned counsel on behalf of the Amrapali Group of Companies that a sum of Rs.5112/-crores is required to complete the construction in the various projects. It was submitted that Amrapali Group of Companies is going to submit a comprehensive plan for measurement of land in this regard for sale of assets etc. so as to provide money to complete the aforesaid project by NBCC.

15. Let the reply to the application filed by Shri Lahoti as well as the proposal be submitted by Amrapali be placed for consideration of this Court. List on 21.8.2018 at 2.00 p.m.

(B.PARVATHI)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER