

ITEM NO.301

COURT NO.12

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. 940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

SLP(C) No. 1879/2018 (XVII-B)
(IA No. 65984/2022 - CLARIFICATION/DIRECTION)

SMC(Crl) No. 4/2018 (XVII-B)

CONMT.PET.(C) No. 47/2023 in W.P.(C) No. 1374/2021 (X)

Diary No(s). 11712/2023 (X)

CONMT.PET.(C) No. 63/2024 in W.P.(C) No. 940/2017 (X)

Diary No(s). 26776/2024 (XIV)

Date : 11-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

By Courts Motion

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

Investigation by Directorate of Enforcement and Delhi Police

Learned counsel appearing on behalf of Mr. M.K. Maroria, learned Advocate-on-Record for the Delhi police, submitted 'Brief Note' dated 10.12.2025 of Harnam Singh Dhaka, Inspector, Sec-IV, Economic Offences Wing, Delhi Police, Mandir Marg, New Delhi, indicating that, in relation to 59 First Information Reports (FIRs) registered by the said Wing, investigation is pending only in the context of one FIR which was registered in the year 2025, viz., FIR No. 104/2025 dated 02.09.2025, for the offences punishable under Sections 420, 406 and 120B of the Indian Penal Code, 1860, and in most of the other cases, the trial has commenced and is ongoing.

We are informed that Mr. M.K. Maroria, learned Advocate-on-Record, also appears for the Directorate of Enforcement¹. Time is sought on his behalf to submit a status report in terms of the earlier order dated 17.11.2025.

Needful in that regard shall be done within two weeks from today. The status report shall be submitted in a sealed cover.

1 "DoE", for short

Response of NOIDA to the Note of the learned Court Receiver

In the light of the response affidavit, notarized on 09.12.2025, filed on behalf of the New Okhla Industrial Development Authority², the learned Court Receiver offers to convene a joint meeting of the Chief Executive Officers of NOIDA and Greater NOIDA³ and the Chairman and Managing Director of NBCC (India) Limited⁴ to iron out the requirements for issuance of Completion Certificates (C.Cs.) and Occupancy Certificates (O.Cs.) in relation to the buildings/projects which are completed or occupied, either fully or in part, and also those for which temporary C.Cs./O.Cs. have already been issued. We accept the said proposal.

Let the said meeting be held in the week commencing 22.12.2025. The learned Court Receiver is authorized to convene the said joint meeting.

Learned Court Receiver shall also file his response to the affidavits filed by NOIDA by the next date of hearing.

We make it clear that, for issuance of C.Cs./O.Cs., NOIDA/GNOIDA/concerned authorities shall not insist on production of documents which would have been in the possession of the original developer of the Amrapali projects and which may not be in the possession either of the NBCC or the learned Court Receiver to be produced at this late stage.

Any verification that has to be undertaken with regard to compliance with statutory requirements can as well be taken up by

2 "NOIDA", for short

3 "GNOIDA", for short

4 "NBCC", for short

NOIDA with the concerned statutory authorities themselves instead of asking the NBCC or the learned Court Receiver to demonstrate compliance.

Effort shall be made by all concerned to settle the issue instead of prolonging it further on technicalities.

We may also note in this regard that NOIDA has already issued the completion certificate/occupancy certificate on 20.08.2025, insofar as 9 towers in the project - Amrapali Silicon City, are concerned, in which 972 units are situated.

We are also informed that water connections have been provided by NOIDA to 9 projects, out of which 2 were provided on 16.10.2025 and 30.10.2025 respectively. The other projects were provided with water connections in the years 2012 and 2019.

Learned senior counsel appearing for the NBCC fairly concedes that this is so.

The same spirit shall be adopted while considering the subject issues in the joint meeting scheduled to be held.

Ms. Ruchira Goel, learned counsel, appears for the State of Uttar Pradesh. She shall endeavour to verify from the various authorities concerned, namely, the Fire Department (in relation to Fire Safety Certificate/Fire No Objection Certificate), the State Environment Impact Assessment Authority, Uttar Pradesh (in relation to the required environment clearances), the Directorate of Electrical Safety, Uttar Pradesh (in relation to License to Operate/clearance for lifts installed in the projects) etc., and report whether sufficient clearances/certificates were obtained by

the original developer before the commencement of the projects. If so, copies of such clearances/certificates shall be produced before the Court on the next date of hearing.

The learned counsel shall also ascertain from the Labour Department, Uttar Pradesh, as to whether any dues are liable to be paid by the original developer in relation to the projects. In the event the dues were cleared and a No Dues Certificate was issued to the original developer, a copy of the same shall also be placed on record by the next date of hearing.

Ms. Goel, learned counsel, shall also ensure that the State is properly represented in the joint meeting to be convened by the learned Court Receiver so as to facilitate the process.

Mr. Pradeep Misra, learned counsel, appears for the Uttar Pradesh Pollution Control Board⁵. He shall also verify by the next date of hearing as to whether a No Objection Certificate and Consent to Operate and/or Consent to Establish were sanctioned at any point of time by the UPPCB to the developer.

Response of Greater NOIDA to the Note of the learned Court Receiver

Insofar as the GNOIDA is concerned, the response affidavit of its Senior Manager (Planning), notarized on 09.12.2025, is placed on record, wherein he has stated that there are 5 Amrapali projects within the jurisdiction of GNOIDA, viz., Leisure Park, Dream Valley, Centurion Park, Golf Homes and Leisure Valley. He further stated that, pursuant to the order of this Court dated 17.11.2025,

5 “UPPCB”, for short

orders have been given to issue water connections to these projects on urgent basis and that the process was likely to be completed within the next 4-5 days.

The GNOIDA shall follow up on what has been stated in this affidavit and ensure that water connections are provided to those 5 projects by the next date of hearing.

Though a tabular statement has been filed by GNOIDA along with the aforestated affidavit indicating its dues as on 31.12.2025 in relation to these 5 projects in addition to a 6th project, with which we are not concerned presently, we find that details have not been furnished as to what part of such dues would be attributable to the original developer and what part thereof would be post the exit of the original developer.

A detailed affidavit shall be filed giving the aforestated particulars well before the next date of hearing.

Learned Court Receiver shall also file his response to the affidavit already filed and the additional affidavit to be filed by GNOIDA, by the next date of hearing.

The matter of C.Cs./O.Cs. to be issued by the GNOIDA shall also be addressed in the joint meeting proposed to be held, referred to *supra*.

General Issues and Directions

NOIDA and GNOIDA will examine the possibility of permitting physical submission of necessary documents for obtaining C.Cs./O.Cs., instead of insisting on online submission thereof, as

such online submission does not allow any stage of the process to be skipped, so as to go on to the next stage. In the event NBCC is not in a position to submit a particular document which is not in its possession, it would not be able to submit the documents which are in its possession at a stage that is to come later during the online submission process.

Needless to state, this proposed physical submission of documents would be permitted only in the projects covered by the case on hand owing to its peculiar facts and it would not be permissible for other projects, which may not stand on the same factual footing, to take recourse to this procedure.

Interlocutory Applications

I.A. Nos. 204564/2024 and 204482/2024

NOIDA submitted its reply to these applications. Learned Court Receiver seeks some time to go through the reply and submit his response.

We are informed that NOIDA has not indicated as to what would be the amount due and payable in relation to the attached property. This property was thereafter sold successfully and the bidder is now awaiting registration of the said property in his name, which is held up due to the dues claimed by NOIDA. Further, the reply does not disclose as to how the amount was quantified under each separate head.

An additional affidavit shall be filed by the next date of

hearing indicating as to how the dues have been quantified with full particulars of the amount due under each head.

I.A. No. 53718/2023

We leave it to the learned Court Receiver to look into the claim put forth by the applicant(s) in this application and take a decision.

The application, accordingly, stands disposed of.

I.A. No. 320780/2025

In the event any of the units completed by the NBCC has been occupied by the allottees, such allottees must take responsibility for the operation and maintenance of such units and cannot expect the NBCC to do the needful in that regard. It is for the occupants of such units to form necessary associations, that is, Apartment Owners Association/Resident Welfare Association/Adhoc Apartment Owners Association, to undertake such maintenance.

We are informed by Mr. M.L. Lahoty, learned counsel, appearing for the home buyers, that applications were filed on behalf of various Adhoc Apartment Associations of the home buyers, that is, I.A. Nos. 147362/2024 (concerning the project, Dream Valley), 269302/2024 (concerning the project, Golf Homes) and 6231/2025 (concerning the project, Leisure Park). It is stated that the occupants of these projects are paying maintenance charges to the agencies that were appointed by the erstwhile bodies of the

concerned associations.

In the light of this statement, it is not the responsibility or the liability of the NBCC to undertake maintenance of these occupied units.

Insofar as any incomplete work in these units is concerned, i.e., as per the stipulated "Scope of Work", the NBCC shall file its reply by the next date of hearing.

The prayers of NBCC in this application shall be considered after the joint meeting is held in terms of the direction hereinabove.

I.A. Nos. 275292/2025 and 275293/2025

Copies of these applications shall be furnished to the learned Court Receiver as well as to the learned counsel for the NBCC.

Response thereto shall be filed by the next date of hearing.

I.A. Nos. 62925/2025, 62945/2025 and 112473/2025

Learned counsel assisting the learned Court Receiver seeks some time to examine these applications and file responses thereto.

Copies of these applications shall be served again on the learned Court Receiver/his assisting counsel within two days from today.

I.A. No. 290841/2024

The DoE shall also indicate in its status report to be filed, in terms of the order dated 17.11.2025 and the present order, as to

whether it would undertake the sale of the attached assets, be it at Indore or elsewhere, to effect recoveries in terms of the Forensic Audit report.

SLP(C) Diary No. 26776/2024

On the previous date of hearing, viz. 17.11.2025, an opportunity was given to the learned counsel for the petitioner to complete service by filing spare copies, as required.

However, the office report dated 10.12.2025 reflects that the needful in the above regard has not been done.

By way of last opportunity, time is granted to do the needful by the next date of hearing, failing which the special leave petition shall stand dismissed without further reference to the Court.

The other issues that remain will be considered on the next date of hearing.

Re-list the matters before this Bench on 22.01.2026 at 2.00 p.m. after obtaining necessary orders from the Hon'ble The Chief Justice.

(DEEPAK GUGLANI)
AR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR