

ITEM NO.1

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s).1251/2023

[Arising out of impugned final judgment and order dated 16-01-2023 in CRMABA No.12207/2021 passed by the High Court of Judicature at Allahabad]

VIRENDRA SINGH NAGAR

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

[REPORT OF SIT RECEIVED]

IA No. 62621/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 62588/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 62582/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 62642/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 62576/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 62625/2024 - APPLICATION FOR TAKING ON RECORD
 IA No. 157379/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 184688/2023 - EXEMPTION FROM FILING O.T.
 IA No. 95902/2024 - EXEMPTION FROM FILING O.T.
 IA No. 62593/2024 - EXEMPTION FROM FILING O.T.
 IA No. 68529/2024 - EXEMPTION FROM FILING O.T.
 IA No. 147223/2023 - EXEMPTION FROM FILING O.T.
 IA No. 62660/2024 - EXEMPTION FROM FILING O.T.
 IA No. 162020/2024 - EXEMPTION FROM FILING O.T.
 IA No. 58252/2023 - EXEMPTION FROM FILING O.T.
 IA No. 62585/2024 - EXEMPTION FROM FILING O.T.
 IA No. 62646/2024 - EXEMPTION FROM FILING O.T.
 IA No. 161542/2024 - EXEMPTION FROM FILING O.T.
 IA No. 18349/2023 - EXEMPTION FROM FILING O.T.
 IA No. 62578/2024 - EXEMPTION FROM FILING O.T.
 IA No. 62630/2024 - EXEMPTION FROM FILING O.T.
 IA No. 161535/2024 - EXEMPTION FROM FILING O.T.
 IA No. 157383/2024 - EXEMPTION FROM FILING O.T.
 IA No. 62623/2024 - EXEMPTION FROM FILING O.T.
 IA No. 184687/2023 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 162019/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 18754/2023 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 11011/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 WITH
SLP(Cr1) No. 2808/2023 (II)
 FOR EXEMPTION FROM FILING O.T. ON IA 96682/2023

FOR EXEMPTION FROM FILING O.T. ON IA 186058/2023
 IA No. 186058/2023 - EXEMPTION FROM FILING O.T.
 IA No. 96682/2023 - EXEMPTION FROM FILING O.T.

Date : 13-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
 HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Mr. Arvind Kumar Sharma, Sr. Adv.
 Mr. Aniteja Sharma, Adv.
 Mr. Ritesh Kumar, Adv.
 Mr. Raj Kishor Choudhary, AOR

For Respondent(s) Ms. Garima Prashad, Sr. A.A.G.
 Dr. Vijendra Singh, AOR
 Mr. Deepak Goel, Adv.
 Mr. Kumar Abhinandan, Adv.

Mr. Ravindra Kumar, Sr. Adv.
 Mr. Vipin Kumar Saxena, Adv.
 Mr. Binay Kumar Das, AOR
 Ms. Priyanka Das, Adv.
 Ms. Neha Das, Adv.
 Mr. Shivam Saksena, Adv.

Mr. Ajit Sinha, Sr. Adv.
 Mr. Sanjeev Agarwal, AOR
 Mr. Ekansh Agarwal, Adv.

Mr. Chanchal Kumar Ganguli, AOR

Mr. Vikramaditya Singh, AOR
 Ms. Yashika Gupta, Adv.

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

1. In deference to the order dated 23.01.2025, the Special Investigation Team (SIT) has submitted a comprehensive report on various issues.

2. On Issue No.1 as to whether the quantum of compensation paid to the landowners was higher than what they were entitled to in terms of the judgments passed by the courts from time to time, the SIT has opined that enhanced compensation was paid to the landowners in 1,198 cases whereas the courts' directions for such payments were in 1167 cases. It is explained that

exorbitant/excessive compensation was paid in 20 cases.

3. On Issue No.2, namely, if exorbitant/excessive compensation was paid, who were the officers responsible for such exorbitant payment, the SIT has identified such officers in the 20 cases and they have been duly named.

4. Regarding Issue No.3 as to whether there was any collusion between the beneficiaries and NOIDA officials, the SIT has explained that it is necessary to examine the bank account details of the officers, their family members, the landowners and the assets acquired by the officers during the relevant period. It is stated that the documents pertaining to over 10 years ago need to be acquired and examined. For this extensive examination, the SIT has submitted that an independent specialized agency having expertise in dealing with disproportionate assets cases, including financial transaction experts, needs to be constituted.

5. On Issue No.4 as to whether the overall functioning of NOIDA lacks transparency, fairness and commitment to the cause of public interest, though SIT has stated that the current initiatives are commendable but they primarily function as reactive measures rather than proactive engagement strategies. It is candidly acknowledged that the residents report delays in responses and inadequate resolutions to their complaints. The governance structure in NOIDA tends to centralize power within a small group of individuals. The SIT has further highlighted that the decision-making process often lacks transparency with significant decisions made with adequate public scrutiny or input. The SIT has also pointed out that there is an absence of regular public reporting on project statuses. Most importantly, it is highlighted that the composition of the Land Allotment Committee leads to policies that tend to favour developer and the officials do exercise a lot of discretionary power and a stage has reached where the NOIDA is nearing the limits of available land for future development.

6. Keeping all these aspects in view, the SIT has made certain significant recommendations including formation of a Metropolitan Corporation in place of the existing entity.

Similarly, appointment of a Chief Vigilance Officer; constitution of a Committee monitored by the High Court to codify the discretionary powers of NOIDA so that such powers are not misused, regular third-party audits to ensure probity in financial transactions; regular scheduling of public meetings; establishment of a Citizen Advisory Board and prioritization of Environmental Impact Assessments have also been strongly recommended.

7. We have considered the Report of the SIT minutely. We appreciate the efforts made by the SIT and acknowledge the commendable exercise done by its Members in giving a fair and impartial opinion with respect to various issues formulated in our order dated 23.01.2025.

8. In our considered opinion, the recommendations made by the SIT must be given effect to, without any wastage of time, by the State Government or other stakeholders. In this regard, we deem it appropriate to issue the following directions as of now:

(i) The Director General of Police, Uttar Pradesh is directed to constitute a SIT comprising two Police Officers of IPS Cadre, who may be of UP Cadre but belonging to different states, to investigate the issues as identified by the previous SIT, especially under Issue Nos.3 and 4.

(ii) The SIT so constituted shall immediately register the FIR and proceed to enquire into the illustratively highlighted points of the previous SIT under Issue No.3. In this regard, the experts in the Forensic Account Evaluation as well as the Economic Offence Wing of the State Police be also associated as SIT Members in addition to (i) above.

(iii) If the SIT, after the preliminary enquiry, finds that *prima facie* cognizable offence to have been committed, it will register the FIR and proceed further in accordance with law.

(iv) Wherever the SIT is required to seek prior sanction of the competent authority to prosecute any

officer/official under the Prevention of Corruption Act, 1988 or before registration of FIR, we direct such competent authority to accord prior sanction within two weeks from the date of submission of such an application.

(v) The outcome of the SIT shall be placed on record by way of a Status Report by the head of SIT, who shall be an officer not below the rank of Commissioner of Police.

(vi) In order to infuse transparency and citizen-centric approach in the day-to-day functioning of NOIDA, we are conscious of the fact that the recommendations made by the SIT entail various policy decisions like formation of a Metropolitan Corporation etc. Consequently, we direct the current SIT to submit a copy of the Report to the Chief Secretary, State of Uttar Pradesh, who, in turn, is directed to place the same along with appropriate agenda item before the Council of Ministers to enable them to take an appropriate decision. Meanwhile, we direct the Chief Secretary, State of Uttar Pradesh to post a Chief Vigilance Officer in NOIDA, who should be an Officer either from the IPS Cadre or an officer on deputation from CAG.

(vii) Similarly, the Chief Secretary, State of Uttar Pradesh, is directed to put up the matter before the competent authority and ensure that a Citizen Advisory Board is constituted within four weeks.

(viii) As regard to the prioritization of Environmental Impact Assessments, the Principal Secretary, Department of Environment, Forest and Climate Change, State of U.P. and the Chief Executive Officer, NOIDA are directed to ensure that no project is given effect without having Environmental Impact Assessments and approval of such report by the Green Bench of this Court.

9. Post the matter for hearing on 28.10.2025.

10. A Status Report on the follow-up action be placed on record before the next date of hearing.
11. Interim stay to continue till further orders.
12. The Report submitted by the SIT be kept in the safe custody of Registrar (Judicial) of concerned Section.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR