

ITEM NO.9

COURT NO.2

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No. 17238-17239/2024

(Arising out of impugned final judgment and order dated 29-02-2024 in WRITC No. 20251/2021 16-05-2024 in CMRA No. 202/2024 passed by the High Court of Judicature at Allahabad)

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY (NOIDA) Petitioner(s)

VERSUS

LOTUS 300 APARTMENT OWNERS ASSOCIATION & ORS. Respondent(s)

(IA No.170423/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.170427/2024-EXEMPTION FROM FILING O.T.)

Date : 27-09-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.

For Respondent(s) Mr. C. A. Sundaram, Sr. Adv.
Ms. Purti Gupta, AOR
Ms. Henna George, Adv.
Mr. Himanshu Chobey, Adv.

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

Issue notice and tag with Special Leave Petition (Civil) Nos. 12784-12786/2024, titled "*Vidur Bharadwaj v. State of U.P. and Ors.*"

Our attention has been drawn to the letter dated 20.09.2024 written by the petitioner, New Okhla Industrial Development

Authority (NOIDA), to the Chairman of the Lotus 300 Apartment Owners Association.

We have examined the contents of the aforesaid letter and find that some of the conditions therein would be impossible for the Lotus 300 Apartment Owners Association to comply with. Some other are superfluous and unwarranted. The petitioner, NOIDA, must adopt a positive and proactive approach to ensure that the flat owners/buyers are given possession of their flats and that the registered deeds are executed.

The Chief Executive Officer of NOIDA shall appoint a Nodal Officer, to ensure that there is compliance with this order. The Nodal Officer will interact with the Lotus 300 Apartment Owners Association as well as the Resolution Professional of the builder-company, which is now under Corporate Insolvency Resolution Process.

The Nodal Officer will specify the documents which are already available with them and will remove the said documents from the list mentioned in the letter dated 20.09.2024. Further, the Nodal Officer, if required, will also process the case for issuing the completion certificate, by appointing an architect for preparing necessary drawings of the building due to which the completion certificate has not been issued.

Similarly, the Nodal Officer will take help of the empowered Structural Engineer, who shall examine as to whether a certificate with regard to earthquake resistance can be issued.

The Nodal Officer will also inspect whether or not a provision for rainwater harvesting has been undertaken and accordingly,

he/she will file an affidavit to the said effect with the concerned authority.

The Resolution Professional shall also join the said proceedings and, whenever required, will take steps to obtain a No Objection Certificate (NOC) from the Chief Fire Officer.

The Resolution Professional shall sign the documents on behalf of the builder-company/developer. The list of the flat buyers/owners, flat numbers along with the area, will be also given by the Resolution Professional.

Payments if any required to be made for the certificates etc. shall be made by the Resolution Professional. In case funds are not available, flat buyers may be asked to make deposit with the Resolution Professional. The deposit will be treated as CIRP/liquidation cost/expense.

In case the completion certificate for Tower Nos. 1 and 2 has already been issued, the process for registration would be completed within a period of four weeks from today.

Re-list for reporting compliance in the week commencing 09.12.2024.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR