

ITEM NO.23+24+26

COURT NO.10

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(s)(Civil) No(s). 940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(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/MODIFICATION OF THE COMMON ORDER DATED 22.11.2017 PASSED BY THIS HON'BLE COURT TO BE LISTED ON 15.12.2017 and IA No.140265/2017-impleading party and IA No.140269/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.5158/2018-INTERVENTION APPLICATION and IA No.6603/2018-impleading party and IA No.6608/2018-CLARIFICATION/DIRECTION and IA No.6855/2018-IA FOR GRANTING PERMISSION TO ACCESS THE PORTAL FACILITY and IA No.7365/2018-impleading party and IA No.14759/2018-impleading party and IA No.25020/2018-impleading party and IA No.27653/2018-impleading party)

WITH

W.P.(C) No. 1018/2017 (X)

(FOR ADMISSION and IA No.124191/2017-INTERVENTION APPLICATION and IA No.124195/2017-CLARIFICATION/DIRECTION and IA No.125372/2017-impleading party and IA No.126340/2017-impleading party and IA No.7355/2018-CLARIFICATION/DIRECTION and IA No.19415/2018-impleading party)

W.P.(C) No. 971/2017 (X)

(FOR ADMISSION and IA No.102714/2017-CLARIFICATION/DIRECTION)

W.P.(C) No. 947/2017 (X)

(FOR

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100453/2017 and IA No.6312/2018-CLARIFICATION/DIRECTION)

W.P.(C) No. 1041/2017 (X)

(FOR ADMISSION and IA No.109963/2017- and IA No.25742/2018-CLARIFICATION/DIRECTION)

W.P.(C) No. 1144/2017 (X)

(IA

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 124701/2017)

W.P.(C) No. 1116/2017 (X)

(FOR ADMISSION and IA No.6467/2018-impleading party and IA No.16303/2018-impleading party and IA No.25807/2018-impleading party)

W.P.(C) No. 1156/2017 (X)

(and IA No.7144/2018-impleading party and IA No.26102/2018-impleading party and IA No.26108/2018-impleading party)

W.P.(C) No. 1206/2017 (X)

(FOR ADMISSION and IA No.135678/2017-APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1242/2017 (X)

(FOR ADMISSION and IA No.25205/2018-impleading party)

W.P.(C) No. 21/2018 (X)

(FOR ADMISSION)

W.P.(C) No. 74/2018 (X)

W.P.(C) No. 91/2018 (X)

(IA No.26117/2018-INTERVENTION/IM PLEADMENT and IA No.26540/2018-INTERVENTION/IMPLEADMENT)

W.P.(C) No. 57/2018 (X)

(FOR ADMISSION)

W.P.(C) No. 56/2018 (X)

(FOR ADMISSION and IA No.12210/2018-EXEMPTION FROM FILING O.T. and IA No.26128/2018-impleading party)

W.P.(C) No. 58/2018 (X)

(FOR ADMISSION and IA No.12323/2018-EXEMPTION FROM FILING O.T.and IA No.26123/2018-impleading party)

W.P.(C) No. 52/2018 (X)

(FOR ADMISSION and IA No.11332/2018-EXEMPTION FROM FILING O.T.

W.P.(C) No. 131/2018 (X)

(IA No.25109/2018-APPLICATION FOR STAY/DIRECTIONS)

W.P.(C) No. 134/2018 (X)

(IA No.27092/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

W.P.(C) No. 160/2018 (X)

W.P.(C) No. 182/2018 (X)

W.P.(C) No. 164/2018 (X)

with

W.P.(C) No. 246/2018

W.P.(C) No. 226/2018

W.P.(C) No. 942/2017 (PIL(W)

Date : 27-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Mr. M.L. Lahoty, Adv.

Mr. Paban K. Sharma, Adv.

Mr. Anchit Sripat, Adv.

Ms. Ishita Bisht, Adv.

Mr. Himanshu Shekhar, Adv.

Mr. Jamnesh Kumar, Adv.

Mr. Abhinav Jain, Adv.

Mr. Himanshu Shekhar, AOR

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 Mr. Maneesh Pathak, Adv.
 Mr. Rajeev Kumar Jha, Adv.

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Mr. Prithvi Pal, AOR
 Mr. C.P. Yadav, Adv.
 Mr. Rajeev Lochan, Adv.

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 Mr. BNS Marok, Adv.
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 Mr. Shishir Pinaki, Adv.
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Mr. C.U. Singh, Sr. Adv.
 Mr. M.S. Vishnu Sankar, Adv.
 Ms. Athira G. Nair, Adv.
 Mr. Sriram P., Adv.
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 Mr. J. Mehta, Adv.
 Mr. Mukesh Kumar, Adv.
 Ms. Divya Roy, Adv.

Mr. Akash Nagar, Adv.
 Mr. Siddhartha Jha, Adv.
 Mr. Jasbir Singh Nagar, Adv.

Mr. Sinha Shrey, Adv.
 Mr. Sumit Sinha, Adv.

Mr. V.N. Sinha, Sr. Adv.
 Mr. Sandeep Jha, Adv.
 Mr. Ram Ekbal Roy, Adv.
 Mr. Prinay Kr. Das, Adv.

Mr. Vijay Kumar, Adv.
 Mr. Thomas Oommen, Adv.
 Mr. Aniruddha P. Mayee, Adv.

For applicant

Mr. Jairaj Mudgal, Adv.

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Mr. Raj Kishore Choudhary, Adv.

For Respondent(s)

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Intervenor

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Mr. Brahma Kumar Pathak, Adv.
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Mr. P.B .A. Srinivasan, Adv.
Mr. Amand Gupta, Adv.
Ms. Vidhi Gupta, Adv.
Ms. P. Tondon, Adv.

Impleading party

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Ms. Anupama Sharma, Adv.
Ms. Sonali Negi. Adv.
Ms. Goutami Budhapriya, Adv.

Mr. Gourab Banerji, Sr.Adv.
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Mr. A. Ankit., Adv.
Mr. Apurv Chandola, Adv.
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Ms. Rati Tandan, Adv.
Mr. Gaurav Goal, Adv.

Mr. Alok Kumar, Adv.
Mr. Somya Yadav, Adv.
Mr. Siddhant Tripathi, Adv.

Mr. Kumar Mihir, Adv.

UPON hearing the counsel the Court made the following

O R D E R

All the Impleadment applications are allowed to the extent of intervention only.

W.P. No. 245/2018 and D. No. 11200 of 2018 be tagged with the instant matters.

Heard learned counsel for the parties and perused the note that has been submitted by Sh. M.L. Lahoti, learned counsel, pursuant to the direction of this court dated 15th March, 2018. Schedule of Joint Site Inspection has been submitted. It appears that 14 projects have been inspected. No inspection could take place with respect to two projects. The categorisation has been made in the note with respect to Projects in three categories, namely:

- A. Projects where possession (partial) though given but various deficiencies exist.**
- B. Projects where some of the Towers are at advanced stage of construction and can be handed over possession shortly.**
- C. Projects at nascent stage of construction.**

Details have been given of deficiencies of the projects where possession (partial) has been given but various deficiencies exist (Category 'A'). Deficiencies have also been pointed out in detail as against each and every building, they are:

A. Projects where possession (partial) though given but various deficiencies exist.

Sl. No	Project Name	Total Tower & Units	Possession given to units	Possession yet to be given	Deficiencies	Amount required
1.	Amrapali Sapphire - I, Sector 45, Noida (W.P. No. 182 of 2018)	11 Towers & 1,030 Units	950 Units (according to builder possession is given to 1000 units, though this information is not available with Apartment Owner's Association)	80 Units	<ol style="list-style-type: none"> 1. <u>Firefighting system</u> is incomplete and not operational. 2. <u>Lifts</u>- In Towers L, H, C, G, E & K, total lifts required are 18, whereas, only 12 lifts are installed as of now, remaining 6 lifts (one in each tower) are yet to be installed. Further, there is no Safety Certificate for lifts. 3. <u>Drinking water supply</u> is not installed. 4. <u>Sewage Treatment Plant/Connection</u> is incomplete and not operational. 5. <u>Expansion Joints</u> between adjoining towers have not been given necessary treatment which is causing heavy seepage and damaging the structure. 6. <u>Service shafts of power supply panel rooms</u> have not been given necessary treatment which is causing heavy seepage and affecting the strength of shaft structures. 7. <u>Insufficient power backup</u>. Current- 2000 KVA, required- 4000KVA 8. Neither Completion Certificate nor Occupation Certificate have been applied for. 	Approximately Rs. 10 crores.
2.	Amrapali Zodiac, Sector 120, Noida (W.P. No. 245 of 2018)	22 Towers & 2217 Units	1650 Units	567 Units (Tower Q & R comprising of total 182 Units are not ready and no possession is given)	<ol style="list-style-type: none"> 1. <u>Firefighting system</u> - Except for Towers G, H, S & T firefighting system in all Towers is incomplete and not operational. 2. <u>Sewage Treatment Plant</u> is incomplete and not operational. 3. Electrical Substation- 1 substation is yet to be installed. 4. <u>Electrical rising main & meter board</u> - Incomplete in Towers A, B, C, Q, R & W. 5. <u>Water Treatment Plant & Domestic Pump</u> is not operational. 	Approximately Rs. 80 Crores.

					<p>6. <u>Parking is not allotted</u> to the Homebuyers.</p> <p>7. <u>Lifts</u> are to be installed. Required- 51 Lifts but only 36 Lifts are installed and 15 Lifts are yet to be installed.</p> <p>8. <u>External Painting & Corridor work</u> is incomplete.</p> <p>9. Second Gate of project is not operational.</p> <p>10. No drainage system in corridors.</p> <p>11. Neither Completion Certificate nor Occupation Certificate has been applied for.</p>	
3.	Amrapali Eden Park, Sector 50, Noida (W.P. No. 21 of 2018)	4 Towers & 316 Units	All Units	Nil	<p>1. <u>Firefighting System</u> - Installed but not operational.</p> <p>2. <u>Lifts</u> - No license obtained.</p> <p>3. <u>Water Treatment Plant</u> - Installed capacity is 10,000 cm whereas, required capacity is 40,000 cm.</p> <p>4. <u>Electricity</u> - Only 1 out of 2 transformers is installed. 2 Standby generators are installed out of which only 1 is functional.</p> <p>5. <u>Water bills overdue</u> amounting to Rs. 39.87 Lakhs.</p> <p>6. <u>CCTV</u> - 17 out of 24 are functional.</p> <p>7. <u>Civil structure work</u> is incomplete.</p> <p>8. Neither Completion Certificate nor Occupation Certificate has been applied for.</p> <p>9. Swimming pool is to be repaired.</p>	Approximately Rs. 7 Crores.
4.	Amrapali Silicon City - I, Sector 76, Noida.	21 Towers & 2464 Units	1840 Units & <u>250 Units</u>	375 Units	<p>1. <u>Firefighting system</u> is not operational. Fire tender passage near Tower A is not available.</p>	Rs. 150 Crores (approximately)

	(W.P. No. 1041 of 2017)		<u>given possession on Credit Note still need to be handed over</u>		<p>2. <u>Lifts</u> - Only 31 lifts out of 57 lifts are installed. 26 Lifts are yet to be installed.</p> <p>3. <u>Electricity</u>- Insufficient electricity load of 2700 kw for entire project. Electrical safety equipments have not been completed.</p> <p>4. <u>Basement parking</u> is incomplete.</p> <p>5. No provision of permanent water supply. Pressure pumps are not installed. <u>2 Water Treatment Plants are installed but not functional</u></p> <p>6. <u>Sewage Treatment Plants</u>- Out of 2 STP's one is not constructed and other is not functional.</p> <p>7. Club between Tower O and Tower B1 is yet to be constructed.</p> <p>8. <u>Surveillance system</u> through CCTV and control room is not in place.</p> <p>9. Eastern boundary wall is not constructed and Gate No. 3, 4 and 5 are yet to be completed.</p> <p>10. Neither Completion Certificate nor Occupation Certificate has been applied for.</p>	
5.	Amrapali Silicon City - II, Sector 76, Noida (W.P. No. 942 of 2017)	6 Towers & 871 Units	No Units	871 Units	<p>1. <u>Civil work</u> such as brick work, internal and external plaster, etc., needs to be completed.</p> <p>2. Neither Completion Certificate nor Occupation Certificate have been required from NOIDA.</p> <p>3. <u>Community Centre/ Club</u> is to be constructed.</p> <p>4. <u>2 Passenger lifts & 1 service lift</u> are to be installed in each tower.</p>	

					<p>5. <u>Sewage Treatment Plant</u> is yet to be constructed.</p> <p>6. <u>Boundary wall</u> of entire project is to be constructed.</p> <p>7. <u>Water Treatment Plant</u> and over head water tanks are to installed.</p> <p>8. <u>Electrical substation and DG sets</u>, common area lighting and wiring are to be completed.</p> <p>9. <u>Surveillance system</u> through CCTV and control room is to be installed.</p> <p>10. <u>Basement parking</u> is to be constructed.</p> <p>11. <u>Modifications in the project</u> has been done without the consent of homebuyers on the basis layout drawing in 2012 which was different from original drawing approved in 2010.</p>	
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Certain projects which have been placed in Category 'B' where some of the towers are at advanced stage of construction and can be handed over possession shortly, they are as under:

B. Projects where some of the Towers are at advanced stage of construction and can be handed over possession shortly

Sl. No.	Project Name	Total Tower & Units	Tower-wise construction status	Approximate time	Total amount collected	Total amount spent	Amount required
6.	Amrapali Golf Homes, Greater Noida (W.P. No. 1116 of 2017)	42 Towers & 4,210 Units	<p>a. <u>5 Towers - B1 to B5</u> consisting of 588 Units, are at advanced stage.</p> <p>b. Joint Site Inspection was carried out for <u>only 15 Towers (K1, K2, K3, K4, K5, K6, K7, K8, K9, L1, L2, L3, L4, L5 & L8)</u> which were missing in the Chart submitted by Amrapali before this Hon'ble Court.</p> <p>- Tower L8 structure is complete.</p> <p>- Towers K1, K2, K3, K4, K5, K6, K7, K8, K9, L1, L2, L3, L4, L5 structure is <u>86 to 98% complete.</u></p> <p>- All other work such as brick work, internal & external plaster, etc., are yet to be completed.</p>	Possession of 588 Units in Towers B1 to B5 can be handed over in 9 to 12 Months	Rs. 962 Crores (approximately)	Rs. 622 Crores (approximately)	Rs. 300 Crores (approximately)

7.	Amrapali Centurian Park, Greater Noida (W.P. No. 940 of 2017)	34 Towers & 6,210 Units	<p>a. <u>Low Rise Towers C, D & E</u> consisting of 600 Units are at advanced stage of construction with <u>76 to 83% work completed</u> (without common area).</p> <p>b. <u>Towers F1 to F8 & F15 to F18</u> - 55 to 63% work is complete (without common area).</p> <p>c. <u>Towers A1 to A5</u> - 40 to 53% work is complete (without common area).</p> <p>d. <u>Towers B1 to B9</u> - 27 to 52% work is complete (without common area).</p> <p>e. <u>Towers F9 to F12A</u> - only 1 to 9% work is complete (without common area).</p>	<p>a. Possession of <u>Towers C, D & E</u> can be handed over in 3 to 6 Months.</p> <p>Possession can be given in 9 to 12 Months</p> <p>Possession can be given in 12 to 15 Months</p> <p>Possession can be given in 15 to 18 Months</p> <p>Possession can be given in 22 to 24 Months</p>	Rs. 1,197.2 Crores (approximately)	Rs. 732 Crores (approximately)	Rs. 493 Crores (approximately) Note: Total amount to be collected from Homebuyers for Sold Units is Approximately <u>Rs. 373.7 Crores</u>
8.	Amrapali Dream Valley, Greater Noida (W.P. No. 1018 of 2017)	52 Towers & 9,186 Units	<p>a. <u>12 Towers (A1, A2, A3, A4, A5, A6, A7 C6, C7, C8, C9 & C10)</u> consisting of 2166 Units (Unsold Units - 75) are at advanced stage:</p> <ul style="list-style-type: none"> - Structure is complete for all Towers excluding Tower A6 & A7. - Other civil work is partially done in Towers C6-C10. -In Towers A1 to A7 only exterior pre casting is complete. 	Possession can be given in 10 to 12 Months	Rs. 1,439.34 Crores (approximately)	Rs. 877 Crores (approximately)	Rs. 1,165 Crores (approximately)

			<p>b. In Towers B1 to B6, C1, C2, C3, C5, C11, C12, E2, E4, F1, F2, F3, F6, F8, F9 & F10, structure is completed up to 7th Floor to 14th Floor out of Total 26 Floors.</p> <p>c. In Towers C4, D1, D2, E1, E3, E5 to E8, F4, F5, F7, F11 & F12, structure is at a very lower stage and is completed up to 1st Floor to 6th Floor out of Total 26 Floors.</p> <p>d. In Towers H1 to H5 no work has started as of now.</p>	<p>Possession can be given in 18 to 20 Months</p> <p>Possession can be given in 28 to 30 Months</p> <p>Possession can be given in 34 to 36 Months</p>			
9.	Leisure Park, Greater Noida (W.P. No. 08 of 2018)	22 Towers & 2,076 Units	19 Towers (A1 to A6, B1 to B5, E1 to E4 & F1 to F4) consisting of 1,565 Units are at advanced stage of construction out of which <u>Towers E1, E2, F1 & F2</u> are at almost completion stage.	<p>Possession of Units in Towers <u>E1, E2, F1 & F2</u> can be handed over in 3 to 6 Months.</p> <p>Remaining 15 Towers can be handed over in 12 Months.</p>	Rs. 400 Crores (approximately)	Rs. 280 Crores (approximately)	Rs.150 Crores (approximately)

And the certain projects which have been placed in Category 'C' where Projects are at nascent stage of construction, which are as follows:

1. Amrapali River View, Greater Noida
2. Amrapali Princely Estate, Sector 76, Noida
3. Amrapali Leisure Valley (Verona Heights), Greater Noida
4. Amrapali Tech Park, Greater Noida
5. Amrapali Silicon City Phase III (Crystal Homes), Sector 76, Noida
6. Amrapali Platinum, Sector 119, Noida

It is stated at Bar that there are certain other projects which could not be included for one reason or the other in the said note. We request the learned counsel appearing for the parties to submit details of M/s. Amrapali group to Mr. Gaurav Bhatia, Advocate. It is undertaken by Mr. Ranjeet Kumar, learned senior counsel appearing for Amrapali Group that they are going to convene joint meeting of officers of NOIDA/Greater NOIDA authorities and the buyers/representatives and other interested stakeholders and submit their opinion on the note submitted by Mr. M.L. Lahoti, learned counsel today in this Court and other left out projects.

We direct the concerned officers of the Noida and Greater Noida Authorities also to submit in details the inspection report as to what are deficiencies and the requisites to be completed before issuance of the

completion certificate. Let tower wise position be specified by the Noida/Greater NOIDA Authority on the next date. Let a proposal be submitted. Amarpalli builders also to submit their opinion and the money required and how they are going to arrange it and how much work has been completed by now pursuant to the order passed by this court on 15th March, 2018.

Status Report with respect to the Leisure Park be submitted in this Court on the next date of hearing with respect to the time to be consumed for completion of the A & B part as well as what is the proposal contained in the C part of the note submitted by Sh. M.L. Lahoti, today.

It is stated, on being instructed, by Mr. Ranjeet Kumar that Amrapali Builders is ready to undertake completion of Silicon City and Golf Homes.

Let Mr. Maninder Singh, learned senior counsel represented on behalf of Bank of Baroda submit their objections, if any, to the completion of buildings, alongwith details of their charges on the property.

For the time being, we request the Resolution of Professionals of Amrapali Group, not to proceed any further in the matter till further orders.

Let detailed note be submitted as directed.

Let report be filed on or before 6th April, 2018.

No coersive action will be taken by any authority with respect to the buildings where completion is going on under the order passed by this court.

Let meeting be convened on 31st March, 2018 at 10.30 A.M. at 15 A Club Noida, as agreed.

List on 10th April, 2018.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER