

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

WRIT PETITION (C) NO. 940 OF 2017

IN THE MATTER OF:-

BIKRAM CHATTERJI & ORS

... PETITIONER

Versus

UNION OF INDIA

...RESPONDENTS

NOTES ON BEHALF OF THE NBCC (I) LTD

ADVOCATE FOR THE NBCC: G.G. Kashyap

AOR : T. ARCHANA

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(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION(S) (CIVIL) NO. 940 OF 2017

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UNION OF INDIA & OTHERS

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NOTE ON BEHALF OF NBCC (I) LTD.

MOST RESPECTFULLY SHOWETH:-

1. That vide judgment dated 23.07.2019, this Hon'ble Court was pleased to appoint NBCC as a Project Management Consultant (PMC), to complete various projects of the Amrapali group situated in Noida & Greater Noida. That pursuant to the judgment passed by this Hon'ble Court, NBCC has been performing its functions as a PMC with utmost perseverance and efficiency.

2. The following issues are submitted before this Hon'ble Court for kind consideration:-

A) SALE OF UNUSED FAR

3. This Hon'ble Court vide its order dated 29.10.2020 appointed NBCC (I) Ltd.

to effectuate sale of unused FARs along with unsold inventory.

4. That vide order dated 25.07.2022, this Hon'ble Court permitted NBCC and the Ld. Court Receiver to file a Note / status with regard to the issue of unused and unutilized FAR that could be purchased by outsiders and thus sizeable contribution could be made to the fund available for completing the project. In this regard, the Ld. Court Receiver filed a Note dated 04.08.2022 before this Hon'ble Court, with the inputs of NBCC. The said note may be read as part and parcel of this note and the contents thereof are not repeated herein for the sake of brevity.

B) NOCs/Approvals

5. As per the direction of this Hon'ble Court, the consortium of 07 banks has approved loan of Rs. 1500 Crores to complete the erstwhile Amrapali Projects situated in Noida and Gr. Noida.

6. Further, during the hearing dated 04.04.2022 before this Hon'ble Court, certain concerns and directions were raised pertaining to statutory approvals, which according to the banks are required for disbursement of further funds. That statutory approvals can be those which are required at the initial stage or inception before the construction activities can be undertaken or those approvals which are required before any final completion certificate is to be issued.

7. In this regard, it is submitted that the required approvals, which were required at the initial stage or inception before the construction activities can be undertaken, like Environmental Clearance, Airport Authority Approval, Fire Approval and Building Plan Approval were obtained by Erstwhile Amrapali Group before initiating construction activities, however, the same were not handed over to NBCC (I) Ltd. and most of the approvals taken by the erstwhile Amrapali Group have expired. That the Ld. Court Receiver vide his letter dated 20.07.2022 addressed to Uttar Pradesh Pollution Control Board sought regularization / Issuance of Consent To Operate/NOC of all the 22 Amrapali projects, which are under different stages of construction.

8. That presently NBCC (I) Ltd. is undertaking 22 projects of the erstwhile Amrapali Group in Noida and Gr. Noida. Out of the same, in 6 projects situated in Noida and 1 project situated in Gr. Noida, people were already residing from past several years before NBCC (I) Ltd. took over the projects. The said projects are:

- A. Amrapali Sapphire, Phase 1 – Noida
- B. Amrapali Sapphire, Phase 2 – Noida
- C. Amrapali Princely Estate – Noida
- D. Amrapali Zodiac – Noida
- E. Amrapali Platinum & Titanium – Noida

F. Amrapali Silicon City, Phase 1 – Noida

G. Amrapali Leisure Valley Villas – Gr. Noida

Further, NBCC (I) Ltd. is the process of completing these 7 projects in the coming days and in order to handover the projects to the respective RWAs, regularization of all the expired approvals is required.

That after completion of each leftover project (As is where is basis) of erstwhile Amrapali Group, NBCC shall apply for various NOCs/approvals and occupancy/completion certificates to Noida/Greater Noida Authority, after receiving the reinstated copies of all approvals/NOCs as mentioned above.

9. In view of the above, the following directions may kindly be passed by this Hon'ble Court:


A. That the leftover erstwhile Amrapali projects of Noida/ Greater Noida (undertaken by NBCC (I) Ltd.) where the habitant societies exist, the respective RWAs/SWAs/AOAs/Committee may be directed to apply for renewal of the existing NOCs to the concerned Authorities. The fees along with compliance of the observations (if any) raised by the concerned department towards the NOCs for habitant societies shall not be borne by the NBCC.

B. All available NOCs/approvals at pre-construction stage obtained / submitted by erstwhile Amrapali Group, may kindly be directed to be regularized **“till the completion of respective project”** undertaken by NBCC (India) Limited. In this regard, Noida and Greater Noida Authorities/Other Authorities/Govt. Departments/Bodies shall be directed to provide the copy of all NOCs/Approvals along with all supporting drawings and documents to the Ld. Court Receiver at the earliest after regularizing the same within a fix time period of 30 days.

In view of the submissions made above, it is requested that necessary orders may kindly be passed by this Hon'ble Court.

NBCC (I) Ltd.

Through


(Gudipati G. Kashyap)

Adv for NBCC (I) Ltd.

For

T. Archana, A.O.R.

Dated: 05.08.2022