

ITEM NO.9

COURT NO.1

SECTION XVII

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

Civil Appeal No. 1526/2023

ALPHA CORP DEVELOPMENT PRIVATE LIMITED

Appellant(s)

VERSUS

GREATER NOIDA INDUSTRIAL DEVELOPMENT
AUTHORITY (GNIDA) & ORS.

Respondent(s)

(IA No. 174061/2023 - APPLICATION FOR PERMISSION
IA No. 166205/2023 - APPLICATION FOR SUBSTITUTION
IA No. 77867/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 52354/2024 - CLARIFICATION/DIRECTION
IA No. 46325/2023 - EX-PARTE STAY
IA No. 46326/2023 - EXEMPTION FROM FILING O.T.
IA No. 166202/2023 - INTERVENTION APPLICATION
IA No. 137704/2023 - INTERVENTION APPLICATION
IA No. 38547/2024 - INTERVENTION APPLICATION
IA No. 137215/2023 - INTERVENTION APPLICATION
IA No. 11878/2024 - INTERVENTION APPLICATION
IA No. 131927/2023 - INTERVENTION/IMPLEADMENT
IA No. 217541/2023 - INTERVENTION/IMPLEADMENT
IA No. 77861/2023 - INTERVENTION/IMPLEADMENT
IA No. 61838/2024 - INTERVENTION/IMPLEADMENT
IA No. 207548/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 217542/2023 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 174062/2023 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH

C.A. No. 2466/2023 (XVII)

(IA No. 69539/2023 - EX-PARTE STAY
IA No. 69536/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 209398/2023 - INTERVENTION APPLICATION)

C.A. No. 1743/2023 (XVII)

(IA No. 54632/2023 - EX-PARTE STAY
IA No. 54634/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 3361/2023 (XVII)

(IA No. 93354/2023 - EXEMPTION FROM FILING O.T.
IA No. 251738/2023 - INTERVENTION/IMPLEADMENT
IA No. 186640/2023 - INTERVENTION/IMPLEADMENT)

IA No. 184154/2023 - INTERVENTION/IMPLEADMENT
IA No. 93348/2023 - STAY APPLICATION)

Diary No(s). 19132/2023 (XVII)

(IA No. 103050/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 103047/2023 - PERMISSION TO FILE APPEAL)

C.A. No. 2491/2023 (XVII)

(IA No. 70784/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 70789/2023 - EXEMPTION FROM FILING O.T.

IA No. 70786/2023 - STAY APPLICATION)

C.A. No. 2406-2407/2023 (XVII)

(IA No. 180402/2023 - APPLICATION FOR PERMISSION

IA No. 67444/2023 - EX-PARTE STAY

IA No. 67446/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 124491/2023 - INTERVENTION/IMPLEADMENT

IA No. 115756/2023 - INTERVENTION/IMPLEADMENT

IA No. 67445/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 3438/2023 (XVII)

(IA No. 74487/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 95273/2023 - MODIFICATION OF COURT ORDER

IA No. 74486/2023 - STAY APPLICATION)

C.A. No. 3435-3437/2023 (XVII)

(IA No. 75580/2023 - EX-PARTE STAY

IA No. 75578/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 2756/2023 (XVII)

(IA No. 115958/2023 - EXEMPTION FROM FILING O.T.

IA No. 109888/2023 - EXEMPTION FROM FILING O.T.

IA No. 115957/2023 - INTERVENTION/IMPLEADMENT

IA No. 109887/2023 - INTERVENTION/IMPLEADMENT)

C.A. No. 2763/2023 (XVII)

(FOR ADMISSION)

C.A. No. 4619/2023 (XVII)

(IA No. 114057/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 114058/2023 - EXEMPTION FROM FILING O.T.

IA No. 133739/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) Mr. Devendra Kumar Shukla, AOR
Mr. Shashank Raghav, Adv.
Ms. Shubhangini Yadav, Adv.
Mr. Abhishek Kumar Suman, Adv.

Mr. Mrinal Harshvardhan, Adv.
Mr. Chand Qureshi, AOR
Mr. Keshav Dev, Adv.
Mr. Vemula Roopa Dimple, Adv.
Mr. Pradeep Mohod, Adv.
Mr. Vijay Kumar, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Jay Nirupam, Adv.
Mr. D. Girish Kumar, Adv.
Mr. Pranav Giri, Adv.
Mr. Ekansh Sisodia, Adv.

Dr. Menaka Guruswamy, Sr. Adv.
Mr. V M Kannan, AOR
Mr. Mayank Singh, Adv.
Ms. Aditi Tripathi, Adv.
Ms. Arunima Das, Adv.
Mr. Utkarsh Pratap, Adv.

Mr. Nakul Dewan, Sr. Adv.
Mr. Ekansh Mishra, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Namrata Saraogi, Adv.
Mr. Sumesh Dhawan, Adv.
Mr. Vastala Kak, Adv.
Mr. Nishant Rao, Adv.
Mr. Raghav Dembla, Adv.
Ms. Geetika Sharma, Adv.
Mr. Shaurya Shyam, Adv.
Mr. Sagar Thakkar, Adv.
Mr. E. C. Agrawala, AOR

Mr. Neeraj Malhotra, Sr. Adv.
Mr. Nimish Kumar, Adv.
Mr. Sumit Kumar, AOR

Mr. Anshuman Sharma, Adv.
Mr. Sarvesh Singh Baghel, AOR

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Sandeep Bhuraria, Adv.
Mr. Parijat, Adv.
Mr. Arinjay Singh, Adv.
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.
Mr. Sameer Abhyankar, AOR

Mr. Rahul Kumar, Adv.
Mr. Navneet Sarin, Adv.
Mr. Vishesh Kumar, Adv.
Mr. Shubham Sethi, Adv.
Mr. Jay Kishor Singh, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Vipin Kumar Saxena, Adv.
Mr. Shivam Saxena, Adv.
Mr. Binay Kumar Das, AOR

For Respondent(s)

Mr. Anshuman Sharma, Adv.
Mr. Sarvesh Singh Baghel, AOR

Mr. Tushar Mehta, Solicitor General
Mr. Sourav Roy, AOR
Mr. Anshu R. Deshpande, Adv.
Mr. Pranav Bafna, Adv.

Mr. Devendra Kumar Shukla, AOR
Mr. Birendra Kumar Mishra, AOR

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

Mr. Nakul Dewan, Sr. Adv.
Mr. Ekansh Mishra, AOR

Mr. Gunjan Kumar, AOR

Mr. R K Srivastava, Adv.
Mr. Maibam Nabaghanashyam Singh, AOR
Mr. I.P.S. Oberoi, Adv.
Mr. Himrit Singh Wadhwa, Adv.

Mr. Neeraj Malhotra, Sr. Adv.
Mr. Nimish Kumar, Adv.
Mr. Sumit Kumar, AOR

Mr. Dhruv Mehta, Sr. Adv.
Mr. Sameer Abhyankar, AOR
Mr. Sandeep Bhuraria, Adv.
Mr. Parijat, Adv.
Mr. Arinjay Singh, Adv.
Ms. Nishi Sangtani, Adv.

Ms. Anuja Pethia, AOR
Mr. Noor Shergill, Adv.
Mr. Rishabh Nigam, Adv.
Ms. Kshirja Agarwal, Adv.
Mr. Rishabh Govila, Adv.
Mr. Srikant Singh, Adv.

Mr. Prashant Jain, Adv.
Mr. Varun Garg, Adv.
Mr. Shubham Paliwal, Adv.
Mr. Bharat Sood, Adv.
Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Harit Sv, Adv.
Ms. Sunaina Phul, Adv.
Ms. Komal Bihani, Adv.

Ms. Supriya Juneja, AOR

Mr. Durga Dutt, AOR
Mr. Rohit Priyadarshi, Adv.
Ms. Rashi Verma, Adv.
Mr. Pradeep Yadav, Adv.

Ms. Purti Gupta, AOR
Ms. Henna George, Adv.

Mr. Satya Kam Sharma , AOR

Mr. Kapil Sibbal, Sr. Adv.
Mr. Sidharth Joshi, Adv.
Mr. Gopal Singh Chauhan, Adv.
Ms. Ambareen, Adv.
Mr. Yogesh Mittal, Adv.
Mr. Shafik Ahmed, Adv.
Ms. Pallavi Anand, Adv.

Mr. Bhaskar Sundaram, Adv.
Mr. P. R. Sreejith, Adv.
Mr. V. Elanchezhiyan, AOR
Mr. Danish Saifi, Adv.

Mr. Md. Shoeb Alam, Sr. Adv.
Mr. Kumar Mihir, AOR
Mr. Athul Joseph, Adv.
Mr. Gunjan Sharma, Adv.
Mr. Ravinder, Adv.

Mr. Kapil Sibbal, Sr. Adv.
Mr. Sidharth Joshi, Adv.
Mr. Rakesh Kumar Gupta, Adv.
Mr. Gopal Singh Chauhan, Adv.
Ms. Ambareen, Adv.
Ms. Akshita, Adv.
Mr. Akshansh, Adv.
Mr. Lokesh Kumar Choudhary, AOR

Mr. Devendra Kumar Shukla, AOR

Mr. Pushpinder Singh , AOR
Mr. Kumar Kartikay, Adv.
Ms. Neelu Sharma, Adv.
Ms. Purvi Goyal, Adv.
Mr. Anirudh Kaushik, Adv.
Ms. Surbhi Singh, Adv.
Ms. S. Madhuravalli, Adv.
Mr. Sukhmandeep Singh, Adv.

Mr. Shiv Mangal Sharma, Adv.
Mr. Shashank Khurana, Adv.
Mr. Abhishek Sharma, Adv.
M/s. Aura & Co., AOR

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

Our attention is drawn to the order dated 17.03.2023 in Civil Appeal Diary No. 18924/2023, titled "*Unific Techone Patrons Independent Association (utopia) & Anr. v. Greater Noida Industrial Development Authority (GNIDA) & Ors.*". The direction in this order

required the Greater Noida Industrial Development Authority¹ to file an affidavit stating whether they are ready and willing to take up the project and complete the construction and give apartments/flats to the flat buyers on the terms agreed upon by and between the flat buyers and the builder, and also the rules and regulations framed by them or the policy decision taken by them in case the builder defaults or goes into liquidation.

A request for further time is made to comply with the aforesaid direction. We grant GNIDA seven days to file an affidavit/reply, subject to payment of ₹5,00,000/- as costs, which will be disbursed on *pro-rata* basis in the appeals where GNIDA is a party respondent. The costs will be deposited within a period of fifteen days from today with the Registry of this Court.

We have heard the learned counsel for the parties. The GNIDA and the New Okhla Industrial Development Authority will file affidavit(s) in each of the appeals containing the following details:

1. The date(s) of allotment of land/execution of lease deed.
2. The dates on which the lease money was payable.
3. The dates on which the payments were made by the allottees/leaseholders.
4. Details indicating whether there were any site inspections carried out by the Officers of the GNIDA/NOIDA to ascertain who was developing and building on the leasehold lands, and if

1 For short, "GNIDA."

not, why steps were not taken to ascertain compliance with the terms of the lease.

5. The dates on which notices for non-payment of lease money were issued and served. In case the lease money along with interest was not paid, it will be stated as to why the lease was not cancelled.
6. Details as to whether any public notice was issued by the GNIDA/NOIDA informing the general public of the default in payment of lease money and indicating the possibility that the allotment of the lease may be cancelled.

On the next date of hearing, the question with regard to the lands held by the subsidiary company in Gurugram, Haryana, in Civil Appeal No. 3438/2023 should be segregated and will be examined.

Re-list in the week commencing 20.01.2025.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR