

**Court No. - 21****Case :-** WRIT - C No. - 13818 of 2023**Petitioner :-** Amit Goyal**Respondent :-** State Of U.P. And 3 Others**Counsel for Petitioner :-** Anshul Kumar Singhal**Counsel for Respondent :-** C.S.C.,Ashish Mishra,Mohd. Afzal**Hon'ble Manoj Kumar Gupta,J.****Hon'ble Prashant Kumar,J.**

1. The District Magistrate, Gautam Budh Nagar has filed his affidavit in compliance of our previous order dated 15.05.2023. In the said affidavit, he has clarified that out of 111 attached properties, 38 shops are free from all encumbrances. There is no dues of Noida Authority against the said shops. Sri Shashi Nandan, learned senior counsel appearing on behalf of respondent no.4 states that in respect of these shops, respondent no.4 is also having completion/occupation certificate in its favour as well as no dues certificate from Noida Authority, meaning thereby that in case these shops are sold, these would be free from all encumbrances.
2. Sri M.C. Chaturvedi, learned Additional Advocate General assisted of Mrs. Akanksha Sharma states that the auction of these 38 shops is fixed for 29th of this month. He further states that each of these shops is being sold separately and not in one lot, so as to attract more bidders.
3. Respondent no.4 has filed his affidavit through its Director Sri Vishal Goswami. He has given a plan in paragraph 6 of the affidavit to clear off the remaining outstanding dues of the allottees in terms of orders of RERA within 11 months as follows:-

SL. No.	Date of Payment of DD to RERA	Amount (In Rs.)
1.	21.05.2023	5,00,00,000/-
2.	19.06.2023	10,04,11,693/-
3.	19.07.2023	9,06,17,078/-
4.	19.08.2023	9,38,98,310/-
5.	19.09.2023	9,86,34,880/-
6.	19.10.2023	9,55,20,677/-
7.	19.11.2023	9,30,88,082/-
8.	19.12.2023	9,76,75,850/-

9.	19.01.2024	10,19,52,491/-
10.	19.02.2024	9,94,27,936/-
11.	19.03.2024	9,23,81,923/-
TOTAL		101,36,08,920/-

4. It is further stated that Rs.7 crores was deposited by respondent no.4 before Tehsil Authorities on 10.05.2023. This fact is admitted in the affidavit filed by the District Magistrate. He has mentioned that the said amount has already been remitted to U.P. RERA by covering letter dated 17.05.2023.

5. A demand draft in a sum of Rs.5 crores drawn in favour of U.P. RERA has been handed over to Sri Mohd. Afzal, counsel for RERA in Court, to be deposited in the account of RERA towards outstanding liabilities of the allottees against the present Project i.e. M/s Wave Megacity Centre. He undertakes to hand over the said cheque to U.P. RERA for being utilized in payment of outstanding dues of the allottees.

6. As prayed by Sri Shashi Nandan, he is permitted to file joint affidavit of all the Directors of the Company-respondent no.4 mentioning that the proposal made in paragraph 6 is with their concurrence as well as that of C.M.D/M.D, if any. In the said affidavit, they will also furnish undertaking to this Court that in case the post dated cheques given as per proposal above bounces, then they will be personally liable for offence under Section 138 of the Negotiable Instruments Act, 1881 and it will also amount to violation of solemn undertaking given to this Court. He states that the post dated cheques would be handed over in Court to counsel for U.P. RERA on the next date.

7. In the meantime, the auction fixed on 29.05.2023 will be held uninfluenced by these proceedings. The bids made by prospective buyers will also remain uninfluenced and unaffected by the present proceedings. We also clarify that there is clear understanding on part of respondent no.4 that the proposal made in paragraph 6 of the affidavit would be in addition to the steps being under taken by the State respondents for auction of the shops/attached properties.

8. The District Magistrate will notify these facts to the prospective bidders well in advance. The U.P. RERA will notify the instant order on its official website so that it is made known to the general public.
9. List on 30.05.2023 as a fresh case alongwith connected cases.
10. The State respondents as well as respondent no.4 will file their affidavits and will comply with the order in letter and spirit.

(Prashant Kumar, J.) (Manoj Kumar Gupta, J.)

**Order Date :- 22.5.2023**

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