

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

Miscellaneous Application No.2485/2023 in MA No.1700/2023 in C.A. No.6849/2022

[Arising out of impugned final judgment and order dated 25-07-2023 in MA No.1700/2023 passed by the Supreme Court of India]

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

VERSUS

KENDRIYA KARAMCHARI SEHKARI G.N.SAMITI & ORS. Respondent(s)

IA No. 178892/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 187128/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 4234/2026 - CLARIFICATION/DIRECTION
IA No. 4541/2026 - INTERVENTION/IMPLEADMENT

WITH

Diary No(s). 36390/2022 (III-A)

IA No. 298530/2025 - CONDONATION OF DELAY IN FILING
IA No. 172005/2022 - RECALLING THE COURTS ORDER

Diary No(s). 49655/2023 (III-A)

IA No. 247638/2023 - APPLICATION FOR PERMISSION
IA No. 247641/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 247639/2023 - INTERVENTION/IMPLEADMENT

Diary No(s). 18702/2024 (III-A)

IA No. 98733/2024 - APPLICATION FOR PERMISSION
IA No. 98744/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98737/2024 - EXEMPTION FROM FILING O.T.
IA No. 98736/2024 - INTERVENTION/IMPLEADMENT
IA No. 4078/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Diary No(s). 34809/2024 (III-A)

IA No. 136416/2025 - APPLICATION FOR PERMISSION
IA No. 172249/2024 - EXEMPTION FROM FILING O.T.
IA No. 172246/2024 - INTERVENTION APPLICATION

Diary No(s). 54979/2024 (III-A)

IA No. 273118/2024 - APPLICATION FOR PERMISSION
IA No. 273126/2024 - EXEMPTION FROM FILING O.T.
IA No. 273122/2024 - INTERVENTION/IMPLEADMENT
IA No. 273124/2024 - MODIFICATION OF COURT ORDER

Diary No(s). 15385/2025 (III-A)

IA No. 284502/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 284508/2025 - CONDONATION OF DELAY IN FILING
IA No. 284505/2025 - EXEMPTION FROM FILING O.T.
IA No. 284491/2025 - INTERVENTION/IMPLEADMENT
IA No. 73326/2025 - INTERVENTION/IMPLEADMENT

Date : 24-09-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Vipin Nair, AOR
Mr. Aditya Narendranath, Adv.
Mr. Naman Tyagi, Adv.
Mrs. M.B. Ramya, Adv.
Mrs. Deeksha Gupta, Adv.
Mrs. Puspita Basak, Adv.
Mrs. Madhavi Yadav, Adv.
Mr. Ashok Kumar, Adv.

Mr. A. K. Ganguli, Sr. Adv.
Mr. Subodh Kr. Pathak, Adv.
Ms. Anurag Rana, Adv.
Mr. Pawan Kumar Sharma, Adv.
Ms. Arunima Chatterjee, Adv.
Mr. V. Elangovan, Adv.
Mr. Dharmendra Kumar Sinha, AOR

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

Mr. Vikash Chandra Shukla, AOR
Mr. Lakshya S. Pandey, Adv.
Mr. Siddharth Relan, Adv.
Ms. Astha Singh, Adv.
Ms. Isha Barshiliya, Adv.
Mr. Ali Sardar Zaidi, Adv.

Mr. Ajay K Sharma, Adv.
Ms. Rupali Sharma, AOR
Mr. Dileep Pathak, Adv.

Mr. Shivaji M. Jadhav, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. Shantanu Sharma, Adv.
Ms. Deeksha Gaur, Adv.
Mr. Hit Lal, Adv.
Mr. Raj Singh, Adv.

For Respondent(s) :Ms. Uttara Babbar, Sr. Adv.
Mr. Deeptakirti Verma, AOR
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Mr. Tanmaya Agarwal, AOR
Mrs. Aditi Agarwal, Adv.
Mr. Muhammad Nomaan Khan, Adv.
Mr. Jayesh Sharma, Adv.
Ms. Astha Sharma, Adv.

Mr. Nikhil Jain, AOR

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

1. These applications arise out of a chequered history entailing disputes regarding identification of genuine members of the respondent-Society, as well as their entitlements. A long sequence of litigation culminated the judgment dated 22.09.2022 passed in Civil Appeal No. 6849/2022, whereby, in exercise of its powers under Article 142 of the Constitution, this Court directed the New Okhla Industrial Development Authority (NOIDA) to allot multi-storeyed flats to 844 identified members of the respondent-Society. Further, the case of 133 more persons, who were subsequent purchasers, was directed to be examined, and if found satisfactory, similar benefits were to be extended to them.

2. Thereafter, certain persons claiming to be original members/subsequent purchasers approached this Court in M.A. No. 1700 of 2023, seeking benefit under the judgment dated 22.09.2022. By way of order dated 25.07.2023, this Court permitted impleadment of the said applicants and disposed of the application with a direction to the Additional Chief Executive Officer, NOIDA, to verify the genuineness of their claims and, if found eligible, to

take appropriate action to include them in the list of eligible allottees. This Court also directed verification of the Society's claim that the correct figures were 858 original allottees and 119 subsequent purchasers, and not 844 and 133 respectively, as was recorded in the judgment dated 22.09.2022.

3. Subsequently, the M.A. No. 2485/2023 came to be filed by the respondent-Society, submitting that the verification exercise directed through order dated 25.07.2023 had stalled, and NOIDA had not completed the exercise of ascertaining the identity of correct and genuine members within the timelines fixed. Subsequently, various other persons, whose names were not included in the original list of members referred to in the judgment dated 22.09.2022, filed their respective M.A.s seeking benefits either as original members or subsequent purchasers.

4. These M.A.s have been taken up for hearing, and this Court has issued interim directions from time to time. *Vide* order dated 04.12.2023, NOIDA was directed to file a compliance affidavit with regard to our order dated 25.07.2023 and to accord personal hearing to the office-bearers of the Society. Thereafter, *vide* order dated 11.03.2024, the number of original members was revised to 863, while the 120 subsequent purchasers were identified. NOIDA was also directed to justify its stand that subsequent purchasers are not entitled to be included in the list of eligible allottees.

5. In compliance therewith, an affidavit dated 30.07.2024 has been filed on behalf of NOIDA, pointing out that the allotment letters issued to the original members/allottees contained an express provision prohibiting transfer of the plot without prior

permission of NOIDA. Moreover, it is submitted that the original allotments were cancelled on 05.05.1998 and the amounts paid by the original allottees were refunded. The respondent-Society, however, submits that prior permission was not obtained only due to NOIDA's inaction and refusal qua transfer form(s) submitted by the original allottees/members, and the Authority cannot now rely on its own conduct to deny the claims of the allottees/their successors. The Society also contended that neither were the refund cheques encashed nor were the amounts subsequently redeposited.

6. At this juncture, more than three years have elapsed since the judgment dated 22.09.2022, but the exercise of finally ascertaining the genuine members of the respondent-Society remains incomplete on account of the continuing dispute between NOIDA and the Society as to the correct number and identity of eligible members.

7. Having regard to the fact that this process has remained inconclusive despite repeated affidavits and directions and considering that a large number of the original allottee-members have been awaiting the fruits of litigation for over three decades, we are satisfied that an independent verification mechanism to decide the competing claims and implement this Court's earlier directions is necessary.

8. We accordingly invoke our powers under Article 142 and constitute a one-member High-Powered Independent Committee comprising Justice Sudhir Kumar Saxena, former Judge of the Allahabad High Court, to identify the genuine members of the respondent-Society and ascertain their claims and entitlement qua the benefits granted by the judgment dated 22.09.2022.

9. The one-member Committee shall be at liberty to devise its own procedure, including calling for such documents and hearing the concerned members/claimants as it may consider necessary. NOIDA, the respondent-Society, and all claimants shall extend full cooperation to the one-member Committee and will make all relevant records available for its consideration. We expect that this exercise would be completed within eight weeks, whereupon the Committee shall submit its report to this Court.

10. NOIDA shall make available required secretarial assistance and logistical arrangements as per the requirements of the Committee. The honorarium payable to Justice Saxena for his time and efforts, to be borne by NOIDA, shall be determined on the next date of hearing.

11. List on 02.12.2026.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR