

<b>PROCEEDINGS OF THE DAY</b>	
Day and Date	Thursday and 04.02.2020
Complaint No.	E115/225/2018 of 2019 Case titled as Greenopolis Welfare Association Versus Orris Infrastructure Pvt. Ltd. & another.
Complainant	Greenopolis Welfare Association
Represented through	Shri Venket Rao, Advocate wit Sh. Vijay Buddhiraja, Member of Association in person
Respondent	Orris Infrastructure Pvt. Ltd. & Another
Respondent Represented through	Sh. J.K.Dang, Advocate for R-1 Orris Infrastructure Pvt. Ltd. Mr Ravi Bhargav, AR of R-2 Mr. Sanjeev Anand, Advocate for applicants M/s Delhi Brass and Metal Works (Pvt.P Ltd. and Ors. With Mr. B.Parameswaran, Chief Legal Officer. Shri ....., Advocate on behalf of VISTRA ITCL (India) Limited applicant.
Last date of hearing	16.01.2020
Proceedings Recorded by	Ms. Naresh Kumari
<b>Present</b>	
Dr. K.K. Khandelwal	Chairman
Sh. Samir Kumar	Member

### PROCEEDINGS

1. Part arguments heard.
2. Counsel for M/s Delhi Brass and Metal Works (Pvt) Ltd. and Ors. submitted that they have received a copy of reply filed by the decree holder in response to their application and requested for arguments to be heard. Authority directed the counsel to file their written arguments before the next date of hearing.
3. The Authority enquired from the counsel for decree holder to apprise the Authority regarding the status of construction. The counsel apprised the Authority that the construction work was to re-commence from 1st of February, 2020, however,



there is very little progress and, in fact, it has come to their knowledge that due to some issue of non-payments to security agency at site, the workers could not enter the site today. It was further submitted that Chief Engineer appointed for the project should be present at site to monitor the progress of the project on day to day basis. The counsel for Respondent No.1 submitted that Respondent no.2 has failed to carry on the work at the project site and accordingly, it may be permitted to hand over the remaining construction work. The Authority directed Respondent No.1 that as they are promoters and license holders of the project and should file an affidavit, undertaking to complete the project along with mentioning the timelines for completion of phase-II and phase III. The counsel for Respondent No.1 stated that they have already filed the completion plan for phase II and phase III as directed by the Authority on the earlier hearing. Respondent No.1 undertook to file a separate affidavit with regard to the completion of the project. Counsel for the complainant submitted that no copy any plan or any other documents or information as required to be submitted by Respondent No.1 and Respondent No.2 in compliance of earlier orders dated 08.11.2019 and 16.01.2020 has been served on them till date.

4. The Authority enquired from Respondent No.1 and Respondent No.2 with regard to the compliances of earlier orders of the Authority i.e. 08.11.2029 and 16.01.2020. The counsel for Respondent No.1 submitted that they have complied with the earlier orders but Respondent No.2 has not furnished any details till date. Counsel for Respondent No.1 further submitted that Respondent No.2 has not even filed reply to the Execution application till date. He also raised objection to the process of execution petition, copy of the said objections has been supplied to the counsel for the complainant. However, Authority noted that certain information in respect of personal assets of Respondent No.1 and all the details in respect of Respondent No.2 were not available on record. It has also been noted that only Mr. Vijay Gupta, Director of M/s Orris Infrastructure Pvt. Ltd. was present before the Authority and rest of the directors of M/s Orris Infrastructure Pvt. Ltd were not present.

5. The Authority gravely noted that none of the directors or the person in-charge of M/s Three C Shelters were present. The Authority took a very serious note of the non-



presence of directors and persons in-charge. Authority also noted that the present directors of Three C Shelters seem to be non-consequential and mere employees or dummy directors, while the real persons in-charge of the affairs of the company are making an effort to evade the law. It seems to be an effort to shield themselves under the garb of corporate entity. It may be relevant in the interest of the allottees to lift the corporate veil to identify the real beneficiaries.

6. Counsel for respondent No.1 further submitted that there has been diversion of funds amounting to Rs.200 crores by Respondent No.2 and forensic audit was ordered by the Authority on 08.11.2019. He further stated that a notice to foreign shareholders was also ordered to be issued by Registry.

7. Counsel for the Decree Holder submitted that forensic audit should cover the entire project and project proceeds thereof, as such funds would have been invested in other assets or projects depriving completion of Greenopolis project. Further, the counsel for the Decree Holder submitted that the license as well as CTE of the project has expired and is urgently required to be renewed.

8. The Authority after hearing the parties present before the Authority has passed the following directions:


- i) Registry is directed to report on the compliance and status of all the earlier orders of the Authority by the parties by the next date of hearing,
- ii) Directs the Respondent No.1 to file an affidavit as mentioned above in para No. 3
- iii) Direct the Decree Holder to file reply to the objections raised by Respondent No.1 by the next date of hearing.
- iv) Respondent No.1 is required to clear all dues with regard to EDC, IDC, renewal charges etc. and seek renewal of their licence on or before 29<sup>th</sup> of Feb.2020 from its own sources as the funds currently in the Escrow Account are only meant for construction and development of the project.




Feb.2020 from its own sources as the funds currently in the Escrow Account are only meant for construction and development of the project.

- v) Auditor for forensic audit of the project and the bank account number 38164449254 in SBI, Nehru Place branch, New Delhi belonging to Three C be appointed. The forensic auditor may also cover the aspect of share-holding/economic interest in the project to identify the real beneficiaries or factual persons in-charge of the affairs of the project or company since inception and inquire into siphoning and diversion of funds relating to the project, deposited by the allottees on account of which the project has come under stress and the same has led to non-completion as on date, which tantamount to defrauding the home buyers. The CIMO is directed to put up the name of the auditors and the scope of audit to the Authority.

**Matter is adjourned to 13.02.2020 for further arguments.**

  
(Dr. K.K Khandelwal)  
Chairman  
04.02.2020

  
(Samir Kumar)  
Member  
04.02.2020