

ITEM NO.6

COURT NO.3

SECTION II

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

Petition(s) for Special Leave to Appeal (CrI.) No(s).1251/2023

[Arising out of impugned final judgment and order dated 16-01-2023 in CRMABA No.12207/2021 passed by the High Court of Judicature at Allahabad]

VIRENDRA SINGH NAGAR

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

IA No. 62588/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 62582/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 62642/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 62576/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 62625/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 62621/2024 - APPLICATION FOR TAKING ON RECORD  
 IA No. 157379/2024 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 62593/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 62660/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 161535/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 18349/2023 - EXEMPTION FROM FILING O.T.  
 IA No. 62585/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 62646/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 157383/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 184688/2023 - EXEMPTION FROM FILING O.T.  
 IA No. 62578/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 62630/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 162020/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 95902/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 147223/2023 - EXEMPTION FROM FILING O.T.  
 IA No. 62623/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 161542/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 58252/2023 - EXEMPTION FROM FILING O.T.  
 IA No. 68529/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 26669/2024 - INTERVENTION APPLICATION  
 IA No. 26665/2024 - INTERVENTION APPLICATION  
 IA No. 62657/2024 - INTERVENTION APPLICATION  
 IA No. 161533/2024 - INTERVENTION APPLICATION  
 IA No. 26655/2024 - INTERVENTION APPLICATION  
 IA No. 103481/2024 - INTERVENTION APPLICATION  
 IA No. 44660/2024 - INTERVENTION APPLICATION  
 IA No. 95900/2024 - INTERVENTION APPLICATION  
 IA No. 26680/2024 - INTERVENTION APPLICATION  
 IA No. 161541/2024 - INTERVENTION APPLICATION  
 IA No. 18754/2023 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES  
 IA No. 11011/2024 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES

IA No. 184687/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES  
 IA No. 162019/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES  
 WITH  
SLP(Cr1) No. 2808/2023 (II)  
 FOR EXEMPTION FROM FILING O.T. ON IA 96682/2023  
 FOR EXEMPTION FROM FILING O.T. ON IA 186058/2023  
 IA No. 186058/2023 - EXEMPTION FROM FILING O.T.  
 IA No. 96682/2023 - EXEMPTION FROM FILING O.T.

Date : 23-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
 HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Raj Kishor Choudhary, AOR

For Respondent(s) Ms. Garima Prashad, Sr. A.A.G.  
 Dr. Vijendra Singh, AOR  
 Mr. Shailesh Sharma, Adv.  
 Mr. Deepak Goel, Adv.

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

Mr. Ajit Sinha, Sr. Adv.  
 Mr. Sanjeev Agarwal, AOR  
 Mr. Ekansh Agarwal, Adv.

Mr. Chanchal Kumar Ganguli, AOR  
 Ms. Muskaan Gopal, Adv.

Mr. Vikramaditya Singh, AOR  
 Mr. Sajal Singhai, Adv.  
 Ms. Yashika Gupta, Adv.

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

1. The applications for intervention are disposed of.
2. The Legal Advisor and one of the Law Officer, serving in NOIDA, approached this Court seeking grant of anticipatory bail in Case Crime No. 581/2021, under Sections 120B, 420, 467, 468, 471 and Section 13(1)(a) of the Prevention of Corruption Act, 1988,

registered against them and some land owners, at Police Station Noida, Sector-20, District Gautam Budh Nagar, Uttar Pradesh. The allegations pertain to release of huge amount of compensation in favour of some land owners who, it was alleged, were not entitled to seek such a higher compensation for their acquired land.

3. It is not necessary for us to refer to the allegations contained in the FIR for the reason that the interim protection granted to the petitioners has since been confirmed as they have already joined the investigation.

4. When the matter came up for hearing on 14.09.2023, it transpired that the subject FIR was not the solitary instance of alleged excess payment of compensation to the land owners rather, there were numerous instances of such payments, *prima facie*, for extraneous considerations and on *quid pro quo* basis. It was consequently desired that an independent agency should hold a deeper probe into the functioning of NOIDA as a Statutory Authority.

5. On 5<sup>th</sup> October, 2023, this Court was apprised re: constitution of purported SIT though it was essentially a Fact Finding Committee.

6. Keeping in view the limited mandate given to that Committee and the manner in which the proceedings were conducted, we were not satisfied with its outcome, especially when it was brought to our notice on 22.11.2023 that under the garb of investigation, the Committee was trying to question the grant of higher compensation to the land owners under the court orders. It was made clear that the Committee had no authority whatsoever to sit over the judicial orders and deviate from the real issue re: conduct, functioning, propriety and probity in the functioning of NOIDA officers.

7. It was eventually suggested that a Special Investigation Team, comprising Senior IPS Officers of U.P. Cadre, but who do not belong to the State of U.P., be constituted to infuse transparency, fairness and objectivity in the matter of investigation into the affairs of NOIDA. In this regard, learned Additional Advocate

General, State of U.P., handed over a list of the officers on 03.10.2024.

8. On perusal of the said list, we hereby constitute SIT comprising of followings:

(i) Shri S.B. Shiradkar, IPS, Additional General of Police, Zone Lucknow.

(ii) Shri Modak Rajesh D.Rao, IPS, I.G., CBCID, Lucknow.

(iii) Shri Hemant Kutiyaal, IPS, presently posted as Commandant, Uttar Pradesh, Special Range Security Battalion, Gautam Budh Nagar, U.P.

9. The Special Investigation Team shall, *inter alia*, look into the issues (i) whether the quantum of compensation paid to the land owners was higher than they are entitled to in terms of the judgments passed by the courts from time to time; (ii) if so, who were the officers/officials responsible for such exorbitant payment; (iii) whether there was any collusion or connivance between the beneficiaries and officers/officials of NOIDA; and (iv) whether the overall functioning of NOIDA lacks transparency, fairness and commitment to the cause of public interest.

10. The SIT shall be free to look into any other allied issue that may arise for its consideration during the course of investigation.

11. The SIT shall do the needful, preferably within two months.

12. The report be submitted to this Court in a sealed cover.

13. Post these matters immediately after receipt of report from SIT.

14. However, no coercive or penal action shall be taken against the land owners/farmers without prior permission of this Court.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(ANU BHALLA)  
COURT MASTER

