

SC Agrees to Modify Order with Remarks Against Ex-NTBCL Official | LatestLY

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New Delhi, Jul 24 (PTI) The Supreme Court on Thursday agreed to modify its order with certain adverse remarks against former senior official of Noida Toll Bridge Company Ltd (NTBCL), a private firm running the Delhi-Noida-Direct (DND) flyway.

A bench of Justices Surya Kant and Ujjal Bhuyan said though the remarks against Pradeep Puri, former official of NTBCL, were indirectly made, as he has retired, the court did not want him to face unnecessary trouble.

"The CAG report is very clear and therefore the judgement will remain the same. So we will modify the judgement with respect to remarks against this person," the bench said.

Puri moved the top court for deletion of personal remarks against him made in the verdict on the basis of the CAG report's findings.

His counsel submitted that CAG did not make any personal comments against him and the paragraph in the verdict, as a result, could be clarified.

On May 9, the top court refused to review its decision upholding that Delhi-Noida-Direct (DND) flyway would remain toll free in a respite to lakhs of daily commuters.

It dismissed the plea seeking review of the December 20, 2024 verdict on a plea of NTBCL.

On December 20, last year, the top court upheld the decision of Allahabad High Court making the DND flyway toll-free and castigated the Noida authority and the Uttar Pradesh and Delhi governments saying the blatant misuse of power and breach of public trust have profoundly shocked its conscience.

The top court then dismissed an appeal of NTBCL against the 2016 decision of the high court order asking it to stop collecting toll from commuters.

"NTBCL has recovered the project costs and substantial profits, eliminating any justification for the continued imposition or collection of user fees or tolls," it said.

The top court observed Noida overstepped its authority by delegating the power to levy fees to NTBCL through the concession agreement and regulations, exceeding the scope of its powers.

If a governmental action disproportionately favours a private entity at the expense of public welfare, it is liable to be struck down as invalid, it added.

Holding no person or entity could be allowed to make an undue and unjust profit from public property, at the cost of the public at large, the apex court referred to the CAG report which stated that the annual toll income of NTBCL during 2001-2016 was Rs 892.51 crore.

"NTBCL has been making profits for the last 11 years; has no accumulated losses as of March 31, 2016; has paid dividends of Rupees 243.07 crores till March 31, 2016 to its shareholders; and repaid all its debt with interest. NTBCL had thus, by March 31, 2016, recovered the project costs, the maintenance costs, and a significant profit on its initial investment. There is no rhyme or reason for the collection of user fees/tolls to continue," the court said.

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