

July 24, 2023

The General Manager
Corporate Relations Department
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Mr. K Hari
Listing Department
National Stock Exchange of India Ltd.
Exchange Plaza, 5th Floor
Plot No. C/1, G Block
Bandra-Kurla Complex, Bandra (E)
Mumbai – 400 051

Scrip Code No. 532481

Scrip Code No. NOIDA TOLL EQ

Re: Noida Toll Bridge Co. Limited Vs Federation of Noida Residents' Welfare Association & Ors.- Update on Litigation

Dear Sirs,

This is to inform you that above mentioned matter of Noida Toll Bridge Company Limited v FONRWA & Ors., SLP(C) No. 33403 of 2016 was listed on 17.07.2023 before the Hon'ble Supreme Court of India.

The Order of the proceedings is enclosed for your information and records.

Thanking you
For Noida Toll Bridge Company Limited

GAGAN Digitally signed by
GAGAN SINGHAL
Date: 2023.07.24
15:48:43 +05'30'
SINGHAL

Gagan Singhal
Company Secretary & Compliance Officer
Mem No. F7525

ITEM NO.11

COURT NO.5

SECTION XI

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 (C) No(s).33403/2016

(Arising out of impugned final judgment and order dated 26-10-2016 in PIL No.60214/2012 passed by the High Court of Judicature at Allahabad)

NOIDA TOLL BRIDGE COMPANY LTD.

Petitioner(s)

VERSUS

FEDERATION OF NOIDA RESIDENTS WELFARE ASSOCIATION
AND ORS & ORS.

Respondent(s)

IA No.11143/2020 - CLARIFICATION/DIRECTION

Date : 17-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Raunak Dhillon, Adv.
Ms. Madhavi Khanna, Adv.
Mr. Nihaad Dewan, Adv.
For M/S. Cyril Amarchand Mangaldas Aor, AOR

For Respondent(s) Mr. Parthiv K. Goswami, Sr. Adv.
Ms. Diksha Rai, AOR
Ms. Atiga Singh, Adv.

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

Mr. K M Natraj, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mr. Merusagar Samantrey, Adv.
Mr. Sharath Nambiar, Adv.
Mr. Raghav Sharma, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Shardha Deshmukh, Adv.

Ms. Archana Pathak Dave, AOR

Mr. Ardhendumauli Kumar Prashad, A.A.G.
Mr. Adarsh Upadhyay, AOR
Mr. Ashish Madaan, Adv.

Ms. Shreya Srivastava, Adv.
Ms. Pallavi Kumari, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.

Mr. Piyush Joshi, Adv.
Mr. Senthil Jagadeesan, AOR
Ms. Sumiti Yadava, Adv.
Ms. Sonakshi Malhan, Adv.
Mr. Sajal Jain, Adv.
Ms. Vatsla Bhatia, Adv.

Respondent-in-person

M/S. Ap & J Chambers, AOR

Mr. Vijay Partap Singh, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Chaman Sharma, Adv.
Mr. Ajay Mishra, Adv.

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

1. These proceedings have emanated out of a judgment dated 26.10.2016 passed by the High Court of Judicature at Allahabad.
2. The controversy pertains to the continuation of levy of toll fee by the petitioner - Company to maintain the DND flyway between New Delhi and Noida.
3. When the matter came up for hearing before a Three-Judge Bench of this Court on 11.11.2016, it was found that various issues that have arisen for consideration in the SLP warrant a detailed consideration. Since conflicting claims regarding the recovery of the total cost and return of the project by the Concessionaire were made, this Court deemed it appropriate to request the Comptroller and Auditor General of India (CAG) to assist us by holding a fact finding inquiry. The petitioner was directed to assist the CAG by providing all documents, information and details, as may be sought.
4. Pursuant to the above-stated order, the CAG has submitted a report before this Court, which came up for consideration on

21.08.2018 when learned counsel appearing on behalf of the Union of India sought time to take instructions from the CAG on the question as to whether the report can be made public or not.

5. This Court, in no uncertain terms, made it clear on 21.08.2018 that we will not accept any objections to the report of the CAG, if it is made public.

6. Thereafter, the matter was taken up on 14.09.2018, when the following order was passed:

“Exemption from filing O.T. and permission to appear and argue granted.

Application for extension of time is disposed of.

It is stated by learned counsel appearing on behalf of the Comptroller and Auditor General (C&AG) that there is no objection to the report being made public.

Learned counsel for the petitioner, however, insists that he may like to file objections to the report of the C&AG. We cannot accept this at all and we had made it clear in our last order. We do not appreciate the conduct of the petitioner, since no such submission was made on the last date of hearing.

The C&AG report will continue to remain in sealed cover.

There is no urgency in the matter. List the matter in due course. There is no stay in favour of the petitioner.”

7. It may, thus, be seen that the CAG report is still lying in a sealed cover despite the fact that it was categorically stated on behalf of the CAG that there was no objection to the report being made public.

8. While reiterating the earlier order that we will not entertain or invite any objections against the report submitted by the CAG, let this matter be posted for hearing on 05.09.2023.

9. Meanwhile, we request learned Additional Solicitor General of India to examine the report and assist this Court on the date fixed.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)