

CNR No. DLCT11-11000050-2023
CT No. 01/2023
E.D V. M/s SSK Trading Pvt. Ltd & Ors.
ECIR/DLZO-1/06/2018
U/s 4 r/w Section 3 of PMLA 2002

06.11.2024

Present : Sh. Atul Tripathi, Ld. Special Prosecutor for
Enforcement Directorate (ED).

A-8 Bikash Singhi, A-11 Parveen Kumar Goel,
A-25 Hemant Kr. Aggarwal & A-27 Sanjeev Soni
on are on bail.

A-2 Surender Kumar Bansal (VC), A-3 Shefali
Bansal (VC), A-9 Surender Kr Jain (VC), A-10
Rajesh Kumar Aggarwal (VC), A-12 Shirish
Chandrakant Shah (VC), A-13 Praveen
Kr. Jain (VC), A-14 Ashok Goel (VC), A-18
Praveen Gupta (VC), A-21 Pradeep Goel (VC)
& A-23 Kapil Gupta (VC) **are on bail.**

A-42 Raj Gopalan Iyer (**through VC**), A/R Director
of M/s Empower India Ltd.

Ms. Aditi Pujari & Sh. S. Mittal,
Ld. Counsel for A-2 & A-3.

Sh. Naveen Chawla, Ld. Counsel for A-8.

Sh. Nagesh K. Behl (VC) & Sh. Saurabh Nagar
(physically), Ld. Counsel for A-10.

Ms. Sunita Gupta and R.S Ahuja, Ld. Counsel for A-
11, A-14, A-16, A-17 and A-21.

Ms. Jasleen Kaur, Ld. Counsel for A-18 &
A-20 M/s Ginni Holdings.

Sh. Kuldeep Gola & Sh. Sumit Kumar,
Ld. Counsel for A-5, A-23 & 24.

Sh. Shrey Tanwar, Ld. Counsel for A-25.

Sh. S.P. Singh (**Through VC**), Ld. Counsel for A-9, A-29, A-36, A-38, A-39, A-40 and A-41.

Sh. Akshay Rana, Ld. Counsel for A-12,A-13,A-42 & also A-49.

Sh. Manish Gupta (**(through VC)**), Ld. Counsel for A-31, A-33 & A-35

It is submitted by Ld. Spl. PP for the E.D that they have already filed reply to the application preferred by Resolution Professional namely Manoj Garg (Representing A-19 M/s Goel Impex Pvt Ltd (**Now, M/s Sunar Jewels Pvt Ltd**)).

Heard and considered the said application.

It is, inter alia, pleaded in the said application on behalf of the R.P that the case of M/s Sunar Jewels Pvt Ltd is undergoing CIRP vide NCLT Order dated 25.04.2019 under CP (IB) No. 1444(PB)/2018 and he has been appointed as Resolution Professional and therefore, in the said backdrop, he may be exempted from day-to-day appearance before this Court till final disposal of the case.

Per contra, the E.D in their reply has stated that the CIR process provides immunity to the Corporate Director in terms of Section 32-A of Insolvency Code 2020, but the said immunity is applicable only after the approval of Resolution Plan by the Adjudicating Authority. Till date, the said Resolution Plan has not been approved.

Heard and considered.

It is, thus, apparent from the reply furnished by the E.D that CIR proceedings are underway qua A-19 M/s Sunar Jewels Pvt Ltd before the NCLT in terms of Insolvency Code.

Therefore, in the said backdrop, the prayer made by the Resolution Professional who is looking after the day-to-day affairs of the said company M/s Sunar Jewels Pvt Ltd (A-19) seeking exemption from this Court from appearance appears to be reasonable. But, till the time Resolution Plan is approved by the Adjudicating Authority under Section 31 of IBC Act 2020, the present proceedings has to be carried out against A-19.

In these circumstances, **the application is disposed off with directions to exempt the Resolution Professional from day-to-day appearance and he may appear through any other authorised representative or the advocate engaged in this regard. The Resolution Professional is also directed to submit the status of the Resolution Plan approval by the Adjudicating Authority to the Court by next date of hearing so that appropriate order can be passed qua A-19.**

A digitally signed copy of the order be served upon Resolution Professional Manoj Garg for intimation and compliance.

Ld. Spl. PP for E.D seeks time to file reply to the application already moved on behalf of A-2 under Section 207 Cr.P.C seeking complete list of unrelied documents including copies of summons issued to individuals as well as statements recorded under Section 50 of PMLA 2002 by the investigating agency. **Be filed positively with advance copy to the opposite party before next date of hearing.**

It is stated by Ld. Counsel for the accused persons that vide order dated 19.09.2024, E.D had filed an application for placing on record list of unrelied documents with Annexure-A. Though copy of Annexure-A was provided to them, but no copy

of the application was supplied to them. Request is made for supply of copy of said application.

Ld. Spl. PP for E.D submits that he will supply the copy of application for placing on record list of unrelieved documents to the accused persons before next date of hearing. Be supplied.

Time is sought by the E.D to advance arguments on charge as the application of A-2 needs to be disposed off first.

Ld. Counsel (appearing through VC) for A-31, A-33 & A-35 submits that the proceedings qua the said accused persons is stayed by the Hon'ble High Court and the next date in the matter is 3rd December 2024 and they are exempted through counsel.

Be listed for **(I)** filing status Resolution Plan approval from Adjudicating Authority by A-19, **(II)** disposal of pending applications and **(III)** arguments on charge **29th November 2024.**

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue District Courts,
New Delhi: 06.11.2024