

CNR No. DLCT11-000718-2024
ED vs Gopal Krishan Aggarwal & Ors.
CT Cases/21/2024

05.08.2025

Present: Sh. Atul Tripathi, Ld. Special PP for ED.

**Accused no. 1 Gopal Krishan Aggarwal is absent.
Accused no. 2 Avinash Chandra Garg is present.
Accused no. 3 Mamta Nehra is present.
Accused no. 4 Kishan Vashisht is present.
Accused no. 5 Naresh Kumar Sekhri is present.**

**Mohd. Sulaman Khan, Ld. Counsel for accused
no. 2 Avinash Chandra Garg, accused no. 4
Kishan Vashisht and accused no. 5 Naresh Kumar
Sekhri.**

**Sh. Rajiv Mohan, Ld. Counsel for accused A-1
Gopal Krishan Aggarwal.(thorough VC)
Sh. Akshay Chauhan, Ld. Counsel for accused A-3
Mamta Nehra.**

1. An Application has been moved on behalf of accused Gopal Krishna Aggarwal seeking exemption from personal appearance for today on the ground that the accused is residing in an old age home and is suffering from multiple serious ailments. Considering the facts and circumstances, the same is allowed only for today.
2. The present complaint under Section 45 read with Section 44 of PMLA, 2002 has been filed by ED against accused persons namely Gopal Krishan Aggarwal, Avinash Chandra Garg, Mamta Nehra, Kishan Vashisht and Naresh

Kumar Sekhri for offences punishable under Section 3 and 4 of PMLA.

3. Pursuant to filing of the present complaint in terms of Proviso to Sub-Section 1 of Section 223 of BNSS, 2023, a Notice was issued to the accused persons and all the accused persons tendered their appearance.
4. I have heard the arguments advanced by Sh. Atul Tripathi, Ld. SPP for ED, Mohd. Suleman Khan, Ld. Counsel for accused 2, 4 and 5. Sh. Rajiv Mohan, Advocate has addressed arguments on behalf of accused Gopal Krishan Agarwal and Sh. Akshay Chauhan, Advocate has addressed arguments on behalf of accused Mamta Nehra.
5. The present complaint was triggered on the basis of registration of an FIR by CBI on 27.07.2006 bearing RC No. SIB 2006 E0004 EOU V in compliance to the directions of Hon'ble High Court in "***W.P.(C) 4582/2003 in Kalyan Sanstha Vs. Union of India and Ors.***". Vide Orders dated 20.04.2006, the Hon'ble High Court in the above referred matter had directed CBI to conduct necessary inquiry into the nexus between MCD Officials and builders/owners and other persons which resulted in large scale unauthorized construction in various parts of Delhi.

6. CBI had registered the FIR against Avinash Chandra Garg, the then Executive Engineer (Building) and other unknown MCD officials of SP Zone and private persons under Section 120 B read with Section 420 of IPC and Section 13(2) read with section 13(1)(d) of Prevention of Corruption Act, 1988.
7. During the course of investigations conducted by CBI, it was revealed that the accused Avinash Chandra Garg had unauthorizedly retained 15 files related to unauthorized construction of different premises of the zone under his jurisdiction, out of which two files pertained to unauthorized construction with respect to a common property situated at 2747-2748, Gali Arya Samaj, Bazar Sita Ram, Delhi belonging to owner/builder namely Gopal Krishan Aggarwal.
8. It further came up during the course of investigations that Gopal Krishan Aggarwal purchased this property in the name of other accused person namely Mamta Nehra, who was her employee. It further came up during investigations that a portion of this property being *Katra* was occupied by tenants, which the accused persons got vacated and raised a 4 storied building without a sanction plan from MCD.

9. It was further revealed by CBI that the name of Gopal Krishan Aggarwal was shown as the owner/builder of the said unauthorized construction by Avinash Chandra Garg, Ex. Engineer MCD and a show cause notice and self demolition notice was also issued in the name of Gopal Krishan Aggarwal. The same however remained in the file and was not acted upon by Avinash Chandra Garg in collusion with the builder/owner. The accused Avinash Chandra Garg being Executive Engineer(Building) was supposed to handover the demolition order dated 05.09.2005 with respect to this property to the concerned officer for taking demolition action but the same was not done.
10. It also came up on record that in furtherance of the conspiracy amongst the accused persons, a Sale Deed was executed between accused Mamta Nehra and Naresh Kumar Sekhri in order to disguise the sale of built up part of the property except the portion constructed on first floor for a consideration of Rs. 1 lakh but the said consideration amount was never debited from the account of accused Naresh Kumar Sekhri.
11. It is further alleged in the complaint that CBI during the course of investigations found that on the other portion of the building having an area of 290 sq. yards after

demolishing the old structure and without obtaining sanction building plan from MCD authorities, unauthorized construction was done. Again with respect to this portion of the property also, a demolition order was passed, but the same was never handed over to the concerned officer for taking demolition action by Avinash Chandra Garg.

12. It is further alleged that after construction of 16 flats in the second building having an area of 290 sq. yards, all these flats were sold by accused Kishan Vashisht to different buyers through separate Sale Deeds concealing the fact that all these flats were constructed without sanctioned building plan.
13. CBI on conclusion of investigations had filed the Charge Sheet against the accused persons. Accused persons namely Gopal Krishan Aggarwal, Avinash Chandra Garg, Mamta Nehra, Kishan Vashisht and Naresh Kumar Sekhri were convicted vide Orders dated 23.02.2017 for offences under Section 120 B read with Section 420 of IPC and Section 13(2) read with section 13(1)(d) of Prevention of Corruption Act, 1988 and were sentenced vide Orders dated 04.03.2017.

14. Directorate of Enforcement thereafter registered ECIR No. 03/DLZO/2015 dated 17.03.2015 as the offences for which accused persons were convicted are scheduled offences under Part A, Paragraph 1 and Paragraph 8 of PMLA, 2002.

15. In its complaint, ED had stated that during the course of investigations, they found that accused persons raised unauthorized construction without prior approval of MCD and sold them to various buyers for undue pecuniary gain. It is alleged that from the sale consideration of these flats raised without the building sanction plan, an amount of Rs. 45,71,000/- was received by Kishan Vashisht for the ultimate benefit of Gopal Krishan Aggarwal, out of which an amount of Rs. 12,24,000/- was received in cash and the remaining amount of Rs. 33,47,000 was received in the Bank Account of Kishan Vashisht which was further **laundered** through various accounts and finally utilized by Gopal Krishan Aggarwal by way of withdrawal in cash or investment in equity market or payment for business purposes.

16. Money Laundering is the process of hiding the source of money obtained from illegal sources and converting it into a clean source. It is an illegal exercise that converts proceeds of crime into white money. Through money

laundering, a criminal transforms the monetary proceeds derived from criminal activity into funds with apparently legal source. In simple words, money laundering disguises as to where the money has come from, who it belongs to, where it has come from and where it is going. The process of money laundering involves three steps:- (i) placement (ii) layering and (iii) integration.

17. The scope and ambit of Section 3 of Prevention of Money Laundering Act 2002 is wide enough and any person who deals with proceeds of crime in any manner is responsible for committing the offence.

18. The relevant provisions of Prevention of Money Laundering Act 2002 are as follows :-

Section 3 in The Prevention of Money-Laundering Act, 2002

3. Offence of money-laundering.

Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering.

[Explanation.--For the removal of doubts, it is hereby clarified that,-

(i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or more of the following processes or activities connected with proceeds of crime, namely:--

(a) concealment; or

(b) possession; or

(c) acquisition; or

(d) use; or

(e) projecting as untainted property; or

(f) claiming as untainted property,

in any manner whatsoever;

(ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]

Section 2 (u) in The Prevention of Money-Laundering Act, 2002.

“proceeds of crime” means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held within the country [or abroad];

[Explanation: For the removal of doubts, it is hereby clarified that “proceeds of crime” include property not

only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]

19. In the light of above provisions, I have gone through the complaint filed by Directorate of Enforcement and the gist of statements recorded during investigations.

20. It is alleged that the accused persons had committed offences for which they were convicted in the predicate case registered by CBI. It is alleged that through these illegal acts, accused persons had generated funds which are "*proceeds of crime*" as defined under Section 2(u) of PMLA. ED has cited 5 accused persons in the present complaint and role of each accused persons in brief is as under:-

Role of Gopal Krishan Aggarwal

Gopal Krishan Aggarwal purchased property at 2747/2748, Gali Arya Samaj, Bazar Sita Ram, New Delhi-110006 in the name of his employee Mamta Nehra on 27.01.2005 and raised a four storied building without obtaining the necessary sanction building plan from the concerned authorities. He further raised unauthorized flats in other portion of building covering 290 sq. yards after demolishing the old structure and these flats were sold to

various buyers generating a total amount of Rs. 45,71,000/- as *proceeds of crime*. These proceeds of crime were received by A-4 Kishan Vashisht in his bank accounts while accused Gopal Krishan Aggarwal received Rs. 12,24,000/- in cash and thereafter he had utilized the amount received by Kishan Vashisht for making business payments, investment in equity and for purchase of Honda City Car.

For the purposes of generating the proceeds of crime, the property was initially purchased by Gopal Krishan Aggarwal in the name of accused Mamta Nehra, which was later transferred in the name of accused Naresh Kumar Sekhri and another Sale Deed was executed to transfer the property to Kishan Vashisht without there being actual transfer of the consideration amount. It is alleged that Gopal Krishan Aggarwal, with whom the other accused persons were working, was the ultimate beneficiary of these proceeds of crime.

Role of Avinash Chandra Garg

It is alleged that Avinash Chandra Garg at that time was working as Executive Engineer(Building), SP Zone, MCD and he assisted accused No. 1 in the acquisition of proceeds of crime and also in projecting and concealing

the proceeds of crime as untainted. It is alleged that Avinash Chandra Garg, despite the demolition order having been passed with respect to the unauthorized construction did not pass on the demolition order to the concerned officer for demolition action and thus assisted Gopal Krishan Aggarwal in the process of acquisition of proceeds of crime.

Role of Mamta Nehra, Kishan Vashisht and Naresh Kumar Sekhri

It is alleged that all these accused persons were employees of Gopal Krishan Aggarwal during the relevant period and in pursuance to the criminal conspiracy and in order to conceal the actual ownership with respect to the property located at 2747-2748, Gali Arya Samaj, Bazar Sita Ram, Delhi, Sale Deed was executed between Mamta Nehra and Naresh Kumar Sekhri for sale of the said property. However, the said consideration was never debited from the account of Naresh Kumar Sekhri. Further, a Sale Deed was executed between Naresh Kumar Sekhri and Kishan Vashisht in order to disguise the ownership of the plot but no consideration amount was exchanged for transfer of the said property. Further, these persons had assisted in raising 16 unauthorized flats on the said piece of land without obtaining any sanctioned building plans and from the sale of

the flats, the proceeds of crime amounting to Rs. 45,71,000/- were generated and these 3 accused persons assisted Gopal Krishan Aggarwal in acquisition of proceeds of crime and projecting the same as untainted.

21. I have gone through the complaint. At this stage of the proceedings, though I have heard the submissions advanced by Ld. Counsel for accused persons but the scope of considering the pros and cons of the arguments advanced on behalf of accused persons vis-a-vis the complaint filed by ED is very limited. It is only required to be seen whether there is prima-facie case on the basis of documents and statement of witnesses recorded by ED during the course of investigations to proceed against the accused persons or not.

22. On behalf of accused persons, it is contended that the offences for which accused persons were convicted in the predicate case are not scheduled offences in Part "A" of the Schedule appended to PMLA, 2002. I do not find any merit in this contention.

23. Another submission made on behalf of accused Avinash Chandra Garg and others was that the maximum undue loss to MCD which was caused by raising unauthorized construction is the non-payment of fees of sanctioning the

building plans. This submission, to my mind, is also not required to be looked into at the stage of taking cognizance and shall be considered at appropriate stage.

24. Having said that and on perusal of the complaint filed by ED and after going through the investigations, in my opinion prima-facie there is sufficient material to proceed against the accused persons and accordingly cognizance is taken against all the accused persons for offences of Money Laundering under Section 3 and 4 of PMLA, 2002.

25. Let all the accused persons namely Gopal Krishan Aggarwal, Avinash Chandra Garg, Mamta Nehra, Kishan Vashisht and Naresh Kumar Sekhri be summoned for 10.09.2025.

(Kanwal Jeet Arora)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/05.08.2025