

CT Case No.34/2022
ECIR/DLZO-I/01/2019 dt. 24.01.2019.
ED Vs. M/s OPG Securities Pvt. Ltd. & Anr.
CNR No. DLCT11-000811-2022

04.12.2024

(Present proceedings have been conducted on Hybrid Mode)

Present : Mr. Manish Jain, Ld. Special PP for ED has appeared through VC alongwith Shri Simon Benjamin and Shri Mayank Assistant Enforcement Officer in person

(A-2) Sanjay Gupta alongwith Ld. Counsel Shri Harshit Sethi through VC (Cisco Webex)

It is submitted by Ld. Counsel Shri Harshit Sethi that only on yesterday, around 8000 pages were supplied by ED and he needs time to go thorough the same. He further submits that the investigating agency has deliberately withheld certain important documents. He submits that investigating agency has neither mentioned about those documents in the list of unrelied documents nor same have been made part of present complaint. He submits that those documents are communication with SEBI and NSE pertaining to the proceedings before the SEBI & SAT. He submits that those documents are very important as in those proceedings, SEBI & SAT has absolved the accused from some of the charges which have been made as few of the basis of the present complaint filed by ED. He submits that the investigating agency has withheld those documents as those documents have significantly reduced the alleged wrongful gains.

Ld. Counsel Shri Simon Benjamin has stated that he is not factually aware whether the IO has withheld any document. He submits that due to human error, it may be possible that one or two document might not have been mentioned, but he submits that if entire segment of documents as is pointed out by ld. Defence counsel has been withheld by investigating agency, only IO can factually tell about the same and give an explanation. He submits that at this stage he is not in position to answer or give any explanation about the allegations leveled by defence counsel as IO is not present as he has gone for some search duty. Investigating officer is directed to appear in person on NDOH to answer the charges leveled by Ld. Counsel for accused.

Be put up on **16.01.2025**. In order to expediate the matter, this court deems it fit to direct ld. Defence counsel that if he find any deficiency in the documents supplied yesterday by ED, he may move an application within two weeks with advance copy to the opposite party and IO to supply the deficient documents within a week.

(ANKIT SINGLA)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/04.12.2024