

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

12.08.2025

(Present proceedings have been conducted on Hybrid Mode)

Present : Sh. Shailesh N. Pathak, Ld. SPP for ED.
R. S. Janwa and Saumitr Parashar, counsels for ED.
IO/Assistant Director Sh. Anuj Kumar.
A-2 Sanjay Gupta for self and also representing A-1
M/s OPG Securities Pvt. Ltd. is present, through VC.
Sh. Pranav Jain and Shrey Nautiya, counsels for A-1.
Sh. Harshit Sethi, Ld. Counsels for A-2, through VC.
Ms. Mansi Tripathi, proxy Counsel for A-2.

1. Attention of IO is invited to paragraph no.1 of Order dt. 24.07.2025. IO states that he will coordinate with counsel for A-1 and resolve the issue at the earliest qua opening of a certain file format. Needful be done by the next date of hearing.

2. Counsels for A-1 now invite court's attention to order dt. 22.05.2025 wherein it is, *inter alia*, mentioned:

“It is submitted by IO that documents mentioned in para No.2 of the e-mail dated 12.03.2025 **Mark-X** are the documents which **have not been relied upon by the ED**. Separate statement of IO has been recorded in this regard.”

(highlighted for emphasis)

3. The said documents (Mark – X) that find a reference in the order dt. 22.05.2025 are as follows:

Documents as received from Business/Surveillance
department and Economic Policy & Research
Department

- i) File containing internal approval notes, contract, invoices for appointment of ISEC Services Pvt. Ltd. for periodic study of Cyber Vulnerability. (Pg. 1-308)
- ii) File containing Cyber Vulnerability reports issued by ISEC Services Pvt. Ltd. (Pg. 309-829)
- iii) File containing Cyber Vulnerability reports issued by ISEC Services Pvt. Ltd. (Pg. 830-1336).

4. It is the submission of Ld. SPP for ED that documents Mark-X are neither part of relied or unrelieved upon documents; that these documents form part of some other *lis* and have no connection whatsoever with the two accused of this matter. Ld. SPP for ED further submits that these documents are not at all relevant for the present case. He goes on to state that the phrase '*have not been relied upon by the ED*' as used in order dt. 22.05.2025 has to be read as '*neither part of relied or unrelieved upon documents*'.

5. This submission is vehemently opposed by counsel Sh. Pranav Jain for A-1 who states that these documents find a reference in Annexure – I of the chargesheet; that on a plain reading of order dt. 22.05.2025 it is clear that these documents are very much part of the unrelieved upon documents; that it is no part of the prosecution to tell the accused as to which document would be relevant for his defence. For this, he relies on a judgment dt.

08.07.2016 of Delhi High Court in Shashi Bala v. State Govt. of NCT of Delhi (Crl. M. C. 1752/16). On the basis of these submissions, counsel Sh. Pranav Jain for A-1 prays for inspection of the said documents (Mark X).

6. At this stage, on behalf of A-1 an application is filed seeking inspection of *all* the unrelayed upon documents. A similar application with exactly the same relief is filed on behalf of A-2 as well. Copy of both the applications supplied to Ld. SPP for ED.

7. The issues/applications as referred to hereinabove in paragraphs no. 2, 3, 4, 5 and 6 shall be argued upon *in extenso* on the next date of hearing. List on 03.09.2025.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RADC/New Delhi/12.08.2025