

11.05.2026

Present : Sh. Simon Benjamin, Ld. Spl. PP for ED (through VC).
Ms. Kanika Mehta, Ld. Counsel for ED.

Sh. Tanmaya Mehta , Sh. Ajay Sabharwal and Sh. Jai Sikand,
Ld. Counsel for GWC/applicant.

Sh. Sanjeev Puri, Ld. Sr. Advocate (through VC), Ms.
Madhurima Sarangi, Sh. Karni Singh, Sh. Aagam Jain, Ld.
Counsels for Bright Buildtech Pvt. Ltd.
Sh. Shivam Singh Rana, Ld. Counsel for IRP.

This is an application moved on behalf of applicant
Greenopolis Welfare Confederation for seeking appropriate directions.

Copy of the same has already been supplied to ED.

Arguments heard on behalf of aforesaid application.

ORDER

1. This is an application moved on behalf of GWC/applicant for seeking appropriate directions to ED to place on record the investigation conducted in present matter qua proposed accused M/s Bright Buildtech Pvt. Ltd. in terms of order dated 27.11.2025 and 25.04.2026. It has been argued by Sh. Tanmay Mehta and Sh. Ajay Sabarwal Ld. Counsel for GWC that the application for seeking restoration u/s 8(8) of PMLA was moved on behalf of GWC and the same was allowed vide order dated 27.11.2025. Further, in the aforesaid order in para 31 the present court had passed directions stating *“31. lastly the contention raised on behalf of the applicant that the assets which are subsequently identified by ED in respect to*

Bright Buildtech Pvt. Ltd. and other entities may also be secured and investigated”, He has further argued that subsequently the aforesaid para 31 was challenged by M/s Bright Buildtech Pvt. Ltd. and the contentions were decided vide detailed order dated 25.04.2026 and by the aforesaid order directions were again passed to ED to investigate the matter qua M/s Bright Buildtech Pvt. Ltd. who had received the proceeds of crime. It has been argued that ED till date has not complied with directions and therefore it is prayed that ED be directed to file status report in the present matter.

2. On the other hand, it has been argued by Sh. Sanjeev Puri Ld. Sr. Advocate for M/s Bright Buildtech Pvt. Ltd that present application is liable to be dismissed as GWC has no locus to file present application. It has also been argued that the GWC does not have home buyers pertaining to Three C Shelters and all the home buyers are pertaining to M/s Orris Infrastructure Pvt. Ltd. It has also been argued that the conduct of IRP in present matter is already under challenge and the same has been agitated by Bright Buildtech Pvt. Ltd. in CONT.CAS(C)137/2026 before the Hon’ble High Court of Delhi and vide order dated 16.04.2026 notice has been served upon all respondents including applicant GWC. It has also been argued that the locus of GWC has not been decided and therefore, the application moved on behalf of GWC for seeking further investigation and seeking status report is liable to be dismissed.
3. It has been argued by Sh. Tanmay Mehta Ld. Counsel for GWC that the Ld. Counsel for Bright Buildtech Pvt. Ltd. has no locus to appear in the present matter being the proposed/prospective accused. It has further been argued that the locus of GWC being a bona fide claimant has already been decided by the present court in its order

dated 27.11.2025 and if Bright Buildtech Pvt. Ltd. is aggrieved by any of order dated 27.11.2025 or 25.04.2026, the same should have been agitated before the superior court/ Hon'ble High Court of Delhi. It has also been argued that being a proposed accused, he does not have right of being heard in the present application. Ld. Counsel for GWC has further argued that there is no stay on order dated 27.11.2025 and 25.04.2026 passed by the present court and therefore, the arguments on behalf of M/s Bright Buildtech Pvt. Ltd. are meritless. It has also been argued that upon directions of the present court dated 27.11.2026 and in terms of the directions of Hon'ble High Court of Delhi, GWC has already provided the list of home buyers to ED and the ED is in the process to verify the claims. It has been argued that despite directions ED is not investigating the matter and therefore, a compliance report/ status report be called in present matter. Ld. Counsel for GWC has relied upon the judgment in the case through ***CBI vs. Hemendhra Reddy and Anr. 2023 16 SCC 779*** wherein it has been held in para 85 "*there is nothing in CrPC to suggest that the court is obliged to hear the accused while considering an application for further investigation U/s 173(8) CrPC.*" Ld. Counsel has also placed reliance upon the judgment in the case of ***Dinubhai Boghabhai Solanki vs. State of Gujarat and Ors 2014 4 SCC 626*** wherein it has been held in para 50 that:

"In W.N. Chadha, the High Court had quashed and set aside the order passed by the Special Judge in charge of CBI matters issuing the order rogatory, on the application of a named accused in the FIR, Mr W.N. Chadha. The High Court held that the order issuing letter rogatory was passed in breach of principles of

natural justice. In appeal, this Court held as follows: (SCC pp. 290-91 & 293, paras 89, 92 & 98) "89. Applying the above principle, it may be held that when the investigating officer is not deciding any matter except collecting the materials for ascertaining whether a prima facie case is made out or not and a full enquiry in case of filing a report under Section 173(2) follows in a trial before the Court or Tribunal pursuant to the filing of the report, it cannot be said that at that stage rule of audi alteram partem superimposes an obligation to issue a prior notice and hear the accused which the statute does not expressly recognise. The question is not whether audi alteram partem is implicit, but whether the occasion for its attraction exists at all.

92. More so, the accused has no right to have any say as regards the manner and method of investigation. Save under certain exceptions under the entire scheme of the Code, the accused has no participation as a matter of right during the course of the investigation of a case instituted on a police report till the investigation culminates in filing of a final report under Section 173 (2) of the Code or in a proceeding instituted otherwise than on a police report till the process is issued under Section 204 of the Code, as the case may be. Even in cases where cognizance of an offence is taken on a complaint notwithstanding that the said offence is triable by a Magistrate or triable exclusively by the Court of Sessions, the accused has no right to have

participation till the process is issued. In case the issue of process is postponed as contemplated under Section 202 of the Code, the accused may attend the subsequent inquiry but cannot participate. There are various judicial pronouncements to this effect but we feel that it is not necessary to recapitulate those decisions. At the same time, we would like to point out that there are certain provisions under the Code empowering the Magistrate to give an opportunity of being heard under certain specified circumstances.

98. If prior notice and an opportunity of hearing are to be given to an accused in every criminal case before taking any action against him, such a procedure would frustrate the proceedings, obstruct the taking of prompt action as law demands, defeat the ends of justice and make the provisions of law relating to the investigation lifeless, absurd and self-defeating. Further, the scheme of the relevant statutory provisions relating to the procedure of investigation does not attract such a course in the absence of any statutory obligation to the contrary."

These observations make it abundantly clear that it would not be necessary to give an opportunity of hearing to the proposed accused as a matter of course. The Court cautioned that if prior notice and an opportunity of hearing have to be given in every criminal case before taking any action against the accused person, it would frustrate the entire objective

of an effective investigation. In the present case, the appellant was not even an accused at the time when the impugned order was passed by the High Court. Finger of suspicion had been grievd father of the victim.”

4. Ld. Spl. PP for ED has sought time to file reply to aforesaid application.
5. I have heard Ld. Counsel for applicant GWC, Ld. Spl. PP for ED and Ld. Counsel for M/s Bright Buildtech Pvt. Ltd. Present application has been moved on behalf of GWC for seeking status report from ED in respect of the directions passed vide order dated 27.11.2025 and 25.04.2026.
6. Contentions raised on behalf of M/s Bright Buildtech Pvt. Ltd., regarding the fact that GWC / applicant which is the society of financial claimants / home buyers do not have locus to file the present application are concerned, are meritless since the GWC is a confederation of home buyers who had purchased the houses in the Greenopolis Project. Further, the locus of GWC has already been clarified by the undersigned in its order dated 27.11.2025. Moreso, M/s Bright Buildtech Pvt. Ltd. is a prospective accused and does not have right to be heard at this stage.
7. With the aforesaid observations, the contentions raised on behalf of M/s Bright Buildtech Pvt. Ltd. stands discarded.
8. ED is directed to file reply/ status report in the present matte before the NDOH with advance copy to opposite counsel.
9. Put up for consideration on **16.05.2026**.

[Sheetal Chaudhary Pradhan]
ASJ-02, South-East/Saket/Delhi
11.05.2026 ^(m)