E.D versus M/s REI Agro Ltd. & ors.
ECIR No. 08/DLZO/2016 dated 27.10.2016.

16.04.2018

Present: Sh. Atul Tripathi, Ld. SPP for Enforcement Directorate.

A-2 Sandip Jhunjhunwala on bail.

Sh Pawan Narang with Sh. Abhimanyu Bhandari, Sh. Shivam Takiar and Sh. Jitender Bidhuri, Ld counsels for A-2.

An application is moved by A-2 that the Enforcement Directorate has made 13 companies as accused in this case and served the summons on him wrongly at his address 58A/1, Sainik Farms, New Delhi. It is stated that A-1 is under liquidation and is being managed by Official Liquidator under IBC Act, 2016. Similarly, A-10 is controlled by Resolution Professional appointed under IBC Act, 2016. The name and address of the official liquidator/Resolution Professional controlling/looking after the affairs of the above two companies is AAA Insolvency Professional LLP at E-10A, Kailash Colony. Vide this application, A-2 has returned the summons to enable them to be served upon the authorized persons. It is further submitted that applicant/A-2 is not connected with A-8, A-9, A-11, A-12 and A-13 as he is neither the Legal Manager nor the Authorized Representative of the above companies. Vide this application, A-2 has returned the summons of the above companies to enable them to serve upon the authorized persons. It is stated that the applicant/A-2 without understanding the legal implications agreed to receive the process/summons of the above companies which he has now been returning.

Applicant further submits that he represents A-3, A-4, A-5, A-6, A-7 and A-14 and on the next date, he will submit the authorization in his favour by the above companies.

Ld SPP for ED referred the Section 70 of PMLA, 2002 to submit that the official liquidator was appointed for civil proceedings and as per section 70, if the offence is committed by a company, every person, who at the time the contravention was committed, was incharge of, and was responsible to the company, for the conduct of the business of the company as well as the company shall be liable to be proceeded under PMLA, 2002.

Issue notice of the application moved by A-2 to the Official Liquidator and Resolution Professional i.e AAA Insolvency Professional LLP at E-10A, Kailash Colony.

Ld counsel submits that even one soft copy and one hard copy of the documents would be sufficient for the companies A-3, A-4, A-5, A-6, A-7 and A-14 being represented by A-2.

One soft copy supplied to A-2 representing A-3, A-4, A-5, A-6, A-7 and A-14.

Issue summons to A-8, A-9, A-11, A-12 and A-13 at the address mentioned in the charge-sheet.

Summons be given dasti alongwith the copy of the order.

Ld. SPP submits that investigation is in progress in terms of the order dated 09.03.2018.

The case is listed for appearance, scrutiny of documents and reply on **21.05.2018 at 2.00 p.m**.

(Sanjiv Jain)
Special Judge (PC Act)
(CBI)-3, South, Saket Courts,
New Delhi:16.04.2018