

Ct Case No. 23/2019
CNR No. DLCT11-000987-2019
SFIO Vs. S.K. Jain & Ors.

29.10.2021

Matter has been taken up today by way of physical hearing in the court in terms of Office Order No. Power Gaz./RACC/2021/22636-22721C dated 01.10.2021 and in partial modification of the previous Order No. Power Gaz./RACC/2021/21965-22056-C dated 29.09.2021 of the Ld. Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC, New Delhi issued pursuant to the Office Order No. 700/ RG/ DHC/ 2021 dated 30.09.2021 of the Hon'ble High Court of Delhi, New Delhi.

Present : Sh. Satish Aggarwala, Ld. SPP along with
Sh. Pushpender Kumar, Ld. Prosecutor.

A-1 S.K. Jain, A-2 Virendra Jain and A-11 Pankaj Kumar on bail through VC.

Sh. Bharat Bhusan, AR of A-19 to A-29 in person through VC.

Sh. Suresh Chand Sati, Ld. Counsel for A-1, A-2, A-11 and A-19 to A-29 through VC.

A-3 Mukesh Sharma, A-5 Prakash Hirawat, A-8 Kuldeep Chauhan & A-9 Vinod Kumar Gupta on bail through VC and A-7 Anuj Garg on bail in person with Ld. Counsel Sh. S.S. Sharma.

A-4 Debasis Dixit with Ld. Counsel Sh. Rajesh Hadda through VC.

A-6 Sanjay Kumar Grover on bail with learned counsel Sh. Wasim Akram through VC.

A-10 Bineet Kapoor on bail through VC with Ld. Counsel Ms. Mahima Dhyani.

A-12 Sant Lal Aggarwal on bail with Ld. Counsels Sh. Inayat Ahmed and Ms. Rehana Ahmed through VC.

A-13 Satish Kumar Pawa on bail in person.

Proceedings against A-14 Swati Pawa stand abated.

Sh. Sanjay Abbot & Sh. Ankit Aggarwal,
Ld. Counsels for A-13 through VC and Ms.
Honey Uppal, Ld. Advocate is present in court.

A-15 Rajesh Agarwal on bail in person with Ld.
Counsels Sh. Anmol Sethi and Sh. Yugant Sharma.

A-16 Ravinder Goel on bail in person.
Sh. Piyush Goel, Ld. Counsel for A-16 though VC.

A-17 Dhirender Kumar on bail through VC.

Sh. Sh. Basant Kumar Verma, AR of A-18
M/s Jagat Projects Ltd.

A-30 Niranjana Kumar Sharma and A-31 Sandeep
Aggarwal are P.O. (as per order dated 12.09.2019).

At request, A-1, A-2, A-3, A-4, A-5, A-6, A-8, A-9, A-10, A-11, A-12, A-17, AR of A-18 company and AR of 19 to A-29 companies have been permitted to join the proceedings through VC, though it was a physical roster day of the court.

Hard copy of exemption application of A-12 Sant Lal Aggarwal for the previous date has yet not been filed in this case as well as in the connected case SC No. 09/2019 titled DoE Vs. Surendra Kumar Jain & Ors., as per report made by the Ahlmad. Let it be filed within 3 days from today, failing which A-12 is liable to deposit a consolidated cost of Rs.5,000/- for both the cases with the Delhi Legal Aid Service Authority, Rouse Avenue District Court, New Delhi.

An application moved on behalf of A-10 Bineet Kapoor seeking his permanent exemption is pending for arguments. However, Ld. Counsel representing him submits that she has yet not received copy of reply to the said application filed on behalf of SFIO. Copy of reply has been e-

mailed to Ld. Counsel representing said accused now. Let hard copy of the reply as well as hard copies of the documents in support of above said application be also filed immediately in court in sealed/closed envelopes and application shall be taken up for arguments on next date, along with similar application moved by this accused in the above said connected case SC No. 09/2019.

Another application moved on behalf of A-13 Satish Kumar Pawa under Section 190 r/w Section 193 Cr.P.C. seeking summoning of one Saurav Aggarwal is also pending on record and arguments on the application have been partly heard today. However, assistance of IO is required and no justification has been furnished as to why he has not turned up physically or joined the proceedings through VC. Hence, further arguments on the application shall be heard on next date of hearing and IO is directed to be present in person on each and every date.

An application moved by one Basant Kumar Verma, AR of A-18 company namely M/s Jagat Projects Ltd. seeking permission to withdraw his authorization on behalf of the company is also pending on record. He is present through VC on service of court notice through IO. No reply to this application has been filed on behalf of SFIO despite giving several opportunities. Hence, this court is taking it as no opposition being given to the said application on behalf of SFIO.

The submissions made by above AR have been heard. He submits that he has already resigned telephonically from his job in the said company and he was never given any appointment letter for his job of doing same sundry works. The company has also ceased to exist at its given address. He further submits that he has also shifted to his parental house in

Aligarh and has no concern with the company.

It has already been reported on repeated summons of the company issued by this court that the company does not exist at its given address and though even in the report obtained by IO from the office of ROC, the status of company for e-filing was being shown as active, but it has already defaulted in filing statutory returns since the financial year 2016-17. Three directors of the company namely Sant Lal Aggarwal (A-12), Satish Kumar Pawa (A-13) and Swati Pawa (A-14) are accused before this court and one of them i.e. Swati Pawa A-14 has already expired. These directors of company have already stated that they have no authorization to represent the company. An application under Section 190 read with Section 193 Cr.P.C. moved by A-13 Satish Kumar Pawa seeking summoning of another director Saurav Aggarwal is also pending on record, as already stated above. Therefore, keeping in view the totality of facts and circumstances, the application moved by Basant Kumar Verma is being allowed and he is being discharged from this case as AR of A-18 company. There is also no useful purpose in issuing process to the company at its given address again and again. Hence, the matter is being proceeded further on merits leaving determination of liability of the company and its directors as per law at the final stage and as per the evidence led on record. However, SFIO shall be at liberty to trace out the whereabouts of company, if possible, and to bring it to notice of the court for further prosecution of the company as per law.

The order of the Hon'ble High Court in Crl. Rev. Petition No.1338/2021 in another case of CBI pertaining to INX Media pending in this court, on the issue of supply of unrelid

upon documents, is yet to be pronounced as it is lying reserved and the above order shall have a direct bearing on the pending application moved under Section 207 r/w Section 208 Cr.P.C. on behalf of A-15 Rajesh Agarwal.

Hence, in view of above, the matter is being adjourned to **15.11.2021 at 10.30 am** for arguments on the above application of A-10/further arguments on the application of A-13 Satish Kumar Pawa/awaiting orders of the Hon'ble High Court in the above said case/arguments on application of A-15/further proceedings. The matter shall be taken up for hearing on next date as per roster of the said date.

(M. K. Nagpal)
Special Judge (PC Act) (CBI)-09,
(MPs/MLAs Cases), RADC,
New Delhi/29.10.2021