

M.L. CASE NO 07 OF 2018
CNR-WBCS01-000592-2018
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.67 dated 09.12.2024

To-day is fixed for further hearing of the petition dated **29.07.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for release of the properties from the order of attachment.

To-day is also fixed for hearing of the petition dated **11.09.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for release of the properties from the order of attachment passed on 26.12.2017 in O.C. no.804/2017 as against the amount of Rs.23, 87, 81, 374/- (Rupees Twenty Three Crores, Eighty Seven lakh, Eighty One Thousand, Three Hundred and Seventy Four only) as mentioned in the schedule of the petition dated 11.09.2024.

To-day is also fixed for hearing of the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr.P.C.

To-day is also fixed for hearing of the petition dated 18.11.2024 on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr.P.C.

To-day is also fixed for appearance of all the accused persons and consideration of charge.

Ld. Counsel for the Complainant/Enforcement Directorate is present by filing hazira.

Miss Richa Sharma who has filed the petition dated 18.11.2024 on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr. P.C. is present in Court by filing hazira.

Sri Arka Ghosh who has filed the petition dated 18.11.2024 on behalf of the accused person no. 2 Manoj Kumar Jain u/s 205 Cr. P.C. is present by filing hazira.

Mr. Joy Prakash Singh who is representing the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C. is absent by filing a petition and prays for condoning his absence on the ground stated therein.

Heard both sides on the point of condoning absence of Mr. Joy Prakash Singh who is representing the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C.

Prayer for condoning absence of Mr. Joy Prakash Singh who is representing the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C. is considered and allowed with a direction to remain present before this Court on the next date fixed positively.

Ld. Counsel for the official liquidator, Mr. Kshitiz Chhawchharia of Chhawchharia & Co., who was appointed on behalf of the accused/petitioner nos. (A-04) M/s Concast Exim Limited, (A-05) M/s Concast Bengal Industries Limited, (A-06) M/s Concast Steel & Power Limited, (A-07) M/s Concast Ispat Limited, (A-08) M/s Dankuni Steel Limited is present by filing hazira.

Mr. Suvoranjan Mukherjee who is representing the accused person nos.(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi, (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah and (A-17) Shri Rakesh Jaiswal u/s 205 of the Cr. P.C. is present in Court by filing hazira.

Ld. Counsel for the official Liquidator, Mr. Sanjit Kumar Nayak, representing the accused /company no.(A-10) is present in Court by filing hazira.

The accused persons namely (A-2) Manoj Kumar Jain, (A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi, (A-15) Shri Naresh Sharma and (A-16) Shri Pankaj Shah who are on court bail are present in Court in person by filing hazira.

The accused person namely (A-17) Shri Rakesh Jaiswal on Court bail is found absent on calls.

A petition along with an extract copy of Board Resolution and a fresh Vakalatnama has been filed on behalf of the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. stating that Mr. Krishna Kumar Todi (Accused no.-13) is the director of the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and therefore Ld. Counsel prays for allowing the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. to be represented by Mr. Krishna Kumar Todi (Accused no.-13) u/s 305 of Cr. P.C. on the ground stated therein.

A petition along with an extract copy of Board Resolution and a fresh Vakalatnama has been filed on behalf of the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. praying for allowing the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. to be represented by Ld. Advocate, Ms. Dishani Kanjilal u/s 305 of Cr. P.C. on the ground stated therein.

Copies served as per the endorsement.

Let those be kept with the record.

Assistant Director, Directorate of Enforcement, Govt. of India files a list of non-relied upon documents in terms of order no.66 dated 18.11.2024 in respect of the petition dated 02.08.2024 filed by the accused no.16 namely Shir Pankaj Shar after serving copy of the same upon the Ld. Counsel for the accused no.16 namely Shir Pankaj Shar.

Let the same be kept with the record.

The record is taken up for further hearing of the petition dated **29.07.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for release of the properties from the order of attachment and also hearing of the petition dated **11.09.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for release of the properties from the order of attachment passed on 26.12.2017 in O.C. no.804/2017 as against the amount of Rs.23, 87, 81, 374/- (Rupees Twenty Three Crores, Eighty Seven lakh, Eighty One Thousand, Three Hundred and Seventy Four only) as mentioned in the schedule of the petition dated 11.09.2024..

At this juncture, a petition has been filed on behalf of the Central Bank of India stating that the petitioner does not want to proceed with the two petitions dated **29.07.2024** and **11.09.2024** filed on behalf of the Central Bank of India at this stage and therefore Ld. Counsel prays for allowing the petitioner to not press the petitions dated 29.07.2024 and 11.09.2024 with a further prayer to grant liberty to file fresh petition, if necessary.

Heard both sides on the point of allowing the petitioner/ Central Bank of India to not press petitions dated 29.07.2024 and 11.09.2024 and also on the point of granting liberty to the petitioner to file fresh petition, if necessary.

Subsequently, Ld. Counsel for the Central Bank of India puts separate endorsements on the petitions dated 29.07.2024 and 11.09.2024 with the endorsements 'Not Pressed.'

Accordingly, both the petitions dated 29.07.2024 and 11.09.2024 filed on behalf of the Central Bank of India are **rejected being not pressed**.

However, the petitioner/ Central Bank of India is at liberty to file fresh petition, if found necessary.

Now, the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr.P.C., the petition dated 18.11.2024 filed on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr.P.C. and the two petitions dated 09.12.2024 filed on behalf of the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 of Cr. P.C. are taken up for hearing.

At this juncture, a petition has been filed on behalf of the accused persons no.2) namely Manoj Kumar Jain, accused/company no.1) M/s Prakash Vanijya Pvt. Ltd, accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. stating that conducting senior Ld. Counsel is not in a position to attend Court today and he will conduct the hearing of the petitions on the next date and therefore an adjournment has been prayed for.

Heard both sides on the point of adjournment of the petitions filed u/s 205 Cr. P.C. and u/s 305 Cr. P.C.

Prayer for an adjournment of the four petitions filed u/s 205 Cr. P.C. and u/s 305 Cr. P.C. is considered and allowed.

Another petition along with a copy of medical document has been filed on behalf of the accused person namely (A-17) Shri Rakesh Jaiswal stating that the accused person is suffering from serious illness and therefore Ld. Counsel prays for condoning his absence with a further prayer for an adjournment.

Another petition along with server copies of orders dated 06.12.2024 of the Hon'ble Court in connection with CRR No 1145 of 2024 has been filed on behalf of accused no. 3 M/s Louis Dryfus Company India Pvt. Ltd stating that the said revisional application was fixed for hearing on 19.11.2024 along with the stay application bearing CRAN 1 of 2024 before the Hon'ble High Court at Calcutta.

Ld. Counsel for the accused no. 3 further stated that on 06.12.2024 the said revision was heard at length before the Hon'ble High Court at Calcutta and the next date has been fixed on 10.01.2025 for further hearing and Ld. Counsel for the Enforcement Directorate has assured the Hon'ble Court that the Prosecution would not oppose the prayer for an adjournment in the event an adjournment prayer is made by the accused no.3 before this Court and as the Hon'ble Court is in seisin of the matter and hearing is going on before the Hon'ble Court an adjournment has been prayed for.

Perused the order dated 06.12.2024 in CRR No 1145 of 2024 wherein the Hon'ble Court has been pleased to observe as follows:

“Let the matter appear under the same heading for further consideration on 10th January, 2025”

Having heard the submissions of all sides and also on consideration of the fact that the next date has been fixed for hearing on 10.01.2025 before the Hon'ble Court, the prayer for adjournment is allowed for the ends of justice.

The accused person namely (A-17) Shri Rakesh Jaiswal is directed to remain present before this Court on the next date fixed positively.

On submissions of all sides, fix **27.01.2025** for hearing of the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr. P.C.

To-date i.e. on **27.01.2025** for hearing of the petition dated 18.11.2024 filed on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr. P.C.

To-date i.e. on **27.01.2025** for hearing of the two petitions dated 09.12.2024 filed on behalf of the accused/company no.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 of Cr. P.C.

Written objection, if any, in the meantime.

To-date i.e. on **27.01.2025** for appearance of all the accused persons and consideration of charge.

To-date i.e. on 27.01.2025 for bringing updated order of the Hon'ble Court, if any.

All the accused persons are directed to remain present before this Court on the next date fixed i.e. on 27.01.2025 positively.

Let a copy of this order be sent to the Complainant/ Enforcement Directorate through Ld. Special P.P. for information and necessary action.

D/C by me

Sd./-

Chief Judge
City Sessions Court, Calcutta

Chief Judge
City Sessions Court, Calcutta

