

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1516 OF 2004

B.C. DALAL

Appellant (s)

VERSUS

CUSTODIAN & ORS.

Respondent(s)

(With appln(s) for stay and seeking permission to raise additional grounds and office report)

Date: 02/01/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. L. Nageshwar Rao, Sr.Adv.

Mr. Vimal Chandra S. Dave, Adv.

Mr. Manoj Shukla, Adv.

Mr. Shailendra Narayan Singh, Adv.

Mrs. Neelam Kalsi, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr.Adv.

Mr. Subramonium Prasad, Adv.

Mr. Gopalakrishnan, Adv.

Mr. Abhay Kumar, Adv.

Mr. Rahul, Adv.

UPON hearing counsel the Court made the following

O R D E R

The civil appeal is dismissed, in terms of the signed order.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1516 OF 2004

B.C. Dalal

...Appellant(s)

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Custodian & Ors.

...Respondent(s)

O R D E R

This appeal is directed against the order of the Special Court (Trial of Offences

relating to Transactions in Securities), Bombay, directing the Custodian, i.e. the first

respondent herein, to take up sale of certain items of respondent Nos.3, 5 and 6 before that

Court. In this appeal, the challenge to the impugned order is only by the appellant

B.C.Dalal (respondent No.5 before the Special Court), the notified person. The learned

Special Court has directed the sale of ornaments and jewellery seized from the residential flat of the notified person by the Income Tax Department and made over to the Custodian.

The learned Special Court has noted that the appellant has not filed any document which

will indicate that these items are not owned by him but his wife, daughters-in-law and

sons and that they have also not cared to file any affidavit claiming ownership thereof.

We have heard learned counsel and also perused the reply to the application

that was filed by the appellant before the Special Court. Apart from what is noted in the

impugned order, the reply of the appellant (paragraphs 16 to 24) shows the vague pleas

made by the appellant. It was stated therein that the jewellery seized by the Income Tax

Department does not wholly belong to the appellant but it was not stated as to which part

belonged to him and which part to anybody else. We find no infirmity in the impugned

order.

In this view, the civil appeal is dismissed.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

.....J.

(R.V. RAVEENDRAN)

New Delhi,

January 02, 2006.