

ITEM NO.21

COURT NO.1

SECTION PIL

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

I.A.NOS. 9,11,13 & 15 in Writ Petition(s)(Civil)

No(s). 176/2009

RAM JETHMALANI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for directions and intervention and office report)

Date : 03/12/2014 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr.Anil B.Divan, Sr.Adv.
Mr.Ram Jethmalani, in person
Ms.Lata Krishnamurthy, Adv.
Mr.Ranvir Singh, Adv.
Mr.Pranav Diesh, Adv.
Mr. Balaji Srinivasan, Adv.
Mr.Yesu Mishra, Adv.
Ms.P.R.Mala, Adv.
Mr.Mayank Kshirsagar, Adv.
Ms.Srishti Govil, Adv.
Mr.Karan Singh, Adv.
Mr.Tushar Singh, Adv.
Mr.Udhaditya Banerjee, Adv.
Ms.Vaishnavi Subrahmanyam, Adv.
Ms.Vaishali Dixit, Adv.
Dr.G.L.Bhatia, Adv.

M/s. Karanjawala & Co., Adv.(NP)

For Respondent(s)
Signature Not Verified

Mr.Mukul Rohtagi, A.G.for India

Digitally signed by

Mrs.Anil Katiyar, Adv.

Ramana Venkata Ganti

Date: 2014.12.08

16:51:46 IST

Mr. B. V. Balaram Das, Adv.

Ms.Sushma Suri, Adv.
Mr.Pankaj Pandey, Adv.

Reason:

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For SIT

Mr.Ranjit Kumar, S.G. of India
Ms.Binu Tamta, Adv.
Mrs.Anil Katiyar, Adv.

For Directorate of
Enforcement

Mr.N.K.Kaul, ASG
Mr.T.A.Khan, Adv.
Mr.Sanyat Lodha, Adv.
Mr.B.K.Prasad, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr.Kuldeep S.Parihar, Adv.

Mr. H. S. Parihar,Adv.

Ms. Anagha S. Desai,Adv.

Ms. Anuradha Mutatkar,Adv.

Ms. Arti Singh,Adv.

M/s. K. J. John & Co.,Advs.

UPON hearing the counsel the Court made the following
O R D E R

Shri Anil Divan, learned senior counsel appearing for Shri Ram Jethmalani, party-in-person would submit that he has three prayers for this Court's consideration. Firstly, that this Court may be pleased to issue a direction to the S.I.T. to furnish copies of the Report submitted by them before us, and secondly, that the Central Government and also the S.I.T. may pass appropriate orders/ legislations, as the case may be, in order to save the proceedings before the Income Tax Authorities before they become time barred.

Thirdly that, when the former Solicitor General of India had furnished copies of certain documents/ information to the party-in-person, pursuant to the orders passed by this Court, certain portions the said information supplied to them had been blackened out. Therefore, the learned senior counsel would submit that this Court may be pleased to direct the learned Attorney General for India to furnish a fresh copy of the said papers without blacking out any information.

As regards the first request of the party-in-person, the learned Attorney General for India would make a similar request to the effect that the S.I.T. be directed to furnish them with copies of the Report submitted before this Court. In regard to the second request of the party-in-person, the learned Attorney General for

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India would submit that the same may not be necessary as appropriate proceedings would be duly initiated before they become time barred. With regard to the third request, the learned Attorney General for India would submit that it would be appropriate for the party-in-person to make the said request before the S.I.T., for consideration of the same.

We have heard learned senior counsel for the party-in-person and the learned Attorney General for India.

Insofar as the first request of the learned senior counsel is concerned, we are of the considered opinion that if we permit the party-in-person or his representative, or the representative(s) of the Central Government makes an appropriate application/ representation before the S.I.T. for furnishing a copy of the report submitted by the S.I.T. before us, in our view, if we permit them to make the same request before the S.I.T. and request the S.I.T. to consider the same in accordance with law, it would satisfy the interest of both the parties. Therefore, we now permit both the party-in-person or his representative and the representative(s) of the Central Government to make an appropriate representation before the S.I.T. to obtain a copy of the said report. If such a representation is filed, the same shall be considered by the S.I.T. in accordance with law.

Insofar as the second request of the party-in-person is concerned, this Court is confident that the Central Government

would complete the proceedings, as submitted by the learned Attorney General for India, on or before 31.03.2015. If, for any reason, the same cannot be done, we are confident again that the Central Government would issue appropriate orders or pass an appropriate legislation in this regard.

Insofar as the third request is concerned, it would be appropriate for the party-in-person or his representative to make an appropriate application before the S.I.T. for obtaining the required correspondence, without concealing any information by way of blacking out of the same. If such an application is made, the S.I.T. will look into the grievance of the party-in-person or his representative and pass appropriate orders in accordance with law.

Shri Divan, learned senior counsel would then state that there is some urgency in hearing I.A. No.15 of 2014. Since this Court is left with only few more days in the month of December, 2014 for hearing of the matters, it may not be possible for us to hear the matter in the month of December, 2014. Therefore, let I.A. No. 15 of 2014 come up for consideration before this Court on 20.01.2015 at 3.00 p.m.

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Reply, if any, may be filed by the Central Government on or before 5th January, 2015.

We reserve liberty to party-in-person or his representative to file a reply to the aforementioned reply that may be filed by the Central Government.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar