

ITEM NO.56

COURT NO.11

SECTION XIV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).19649/2009

(From the judgement and order dated 22.7.2009
No.857/2009 of The HIGH COURT OF DELHI AT NEW DELHI)

in C.W.P.

DIRECTORATE OF ENFORCEMENT

Petitioner(s)

VERSUS

ARUN KUMAR AGRAWAL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 09/07/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Gopal Subramaniam, S.G.
 Mr. Rajshekhar Rao, Adv.
 Mr. Sreekumar, Adv.
 Mr. Senthil Jagadeesan, Adv.

For Respondent(s) Mr. Prashant Bhushan, Adv.

 Mr. Rajiv Nanda, Adv.
 Mr. B.K. Prasad, Adv.

 Mr. Kamaldeep Dayal, Adv.
 Mr. Siddhartha Chowdhury, Adv.

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated 22.7.2009
passed by the learned Single Judge of Delhi High Court,
paragraph 11 of which reads thus:

"CIC is yet to decide the question whether the
information sought for is covered by Section 24(1)

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of the Act, whether first proviso applies and
exceptions can be claimed under Section 8(1) of
the Act. Impugned order dated 29th December, 2008
makes a general observation on the basis of
allegations made by the respondent No. 1 in the
appeal and observes that allegations of corruption
have been made. No final and determinative
finding has been given by CIC. It is open to the
petitioner to produce the original files and then
press that the conditions mentioned in proviso to
Section 24(1) of the Act are not satisfied in this
case and thus provisions of Section 8(1) of the
Act are not required to be examined.
Kumar Agrawal has contended that Dr. Arun
Dayal was not appointed by the Mr. Virendera
Enforcement and Section 24(1) of the Act is not the Directorate of

applicable, even if the report is recently with
the said Directorate. These aspects have not been
decided by the CIC. It will not be appropriate
for this Court to control the proceedings and
flexibility and latitude has to be allowed. The
impugned orders can hardly be categorised as
adverse orders against the Directorate of
Enforcement."

We have heard learned counsel for the parties and perused
the records. In our view, the impugned order does not suffer
from any patent legal infirmity requiring interference under
Article 136 of the Constitution.

The special leave petition is accordingly dismissed.
However, it is made clear that the parties shall be entitled
to make all legally permissible submissions before the Central
Information Commissioner.

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(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master