

ITEM NO.12

COURT NO.5

SECTION IV

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

Civil Appeal No(s). 2176/2009

UNION OF INDIA &amp; ORS.

Appellant(s)

VERSUS

M/S PRIME LEATHERS

Respondent(s)

WITH

C.A. No. 2099/2009 (IV)

C.A. No. 4352/2009 (IV)

SLP(C) No. 28299/2016 (XIV)

SLP(C) No. 28215/2016 (XIV)  
(FOR PERMISSION TO FILE ANNEXURES ON IA 3/2016)

SLP(C) No. 28325/2016 (XIV)

T.P.(C) No. 2055/2017 (XVI-A)  
(FOR ADMISSION and IA No.115090/2017-STAY APPLICATION and IA  
No.9964/2018-I/A FOR SEEKING DISMISSAL OF TP)

SLP(C) No. 33848/2017 (XIV)

Date : 26-07-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s)

Mr. Maninder Singh, ASG  
Mr. Guru Krishna Kumar, Sr. Adv.  
Ms. Nisha Bagchi, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Rupesh Kumar, Adv.  
Ms. Pooja Sharma, Adv.  
Mr. Shreyash Bhardwaj, Adv.  
Mr. B. Krishna Prasad, AOR  
Mrs. Anil Katiyar, AOR

Mr. P.S. Patwalia, Sr. Adv.  
Mr. Yashank Adhyaru, Sr. Adv.  
Mrs. Rashmi Malhotra, Adv.  
Mr. Jitender Saini, Adv.  
Mr. Himanshu Kaushik, Adv.

Mr. Shalinder Saini, AOR

For Respondent(s) Mr. Jagjit Singh Chhabra, AOR

Mr. Rajeev K. Virmani, Sr. Adv.  
Mr. Sandeep Narain, Adv.  
Ms. Anjali Agarwal, Adv.  
Mr. Rishabh Bhargava, Adv.  
Mr. Krishan Tewary, Adv.  
For M/s S. Narain & Co., AOR

Mr. Ajay Aggarwal, Adv.  
Ms. Mallika Joshi, Adv.  
Mr. Rajan Narain, AOR

Mr. V. Lakshmikumaran, Adv.  
Mr. Yogendra A., Adv.  
Mr. Aditya Bhattacharya, Adv.  
Mr. Victor Das, Adv.  
Mrs. Apeksha Mehta, Adv.  
Mr. M.P. Devanath, AOR

Mr. Praveen Swarup, AOR

Mr. B. Krishna Prasad, AOR

Mr. J.K. Mittal, Adv.  
Mr. Rajveer Singh, Adv.

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

C.A. No. 2176/2009, C.A. No. 2099/2009, C.A. No. 4352/2009,  
SLP(C) No. 28299/2016, SLP(C) No. 28215/2016, SLP(C) No. 28325/2016  
and T.P.(C) No. 2055/2017:

List on Wednesday, the 1<sup>st</sup> August, 2018.

SLP(C) No. 33848/2017:

This Special Leave Petition is preferred against the interim Order dated 27.11.2017 passed by the High Court of Delhi in Writ Petition (C) No. 10545/2017. The petitioner in the said petition has challenged the show cause notice issued to him. The petitioner also wanted refund of rupees twenty five lacs, which he had paid on

the ground that no coercive action be taken against him. The petitioner also wanted that there should be stay of further proceedings and he shall not be arrested in the meantime.

The High Court has rejected the aforesaid prayers and has kept the petition for hearing in respect of other issues.

This Court, in the present Special leave Petition, has passed the following order on 11.12.2017:

"Issue notice.

Tag along with S.L.P (C) No. 28215/2016.

However, the adjudication against the petitioners shall continue, but no coercive steps shall be taken against them. Needless to say, the process of adjudication shall commence within three weeks hence and the petitioners shall cooperate with the process of adjudication. In case the petitioners succeed, they shall be entitled to refund with interest."

Mr. P.S. Patwalia, learned senior counsel appearing for the petitioner, submits that the petitioner would not press other reliefs prayed in the writ petition and he would participate in the proceedings pursuant to the show cause notice issued to the petitioner as well as the subsequent show cause notice, in case the aforesaid interim order giving protection against the arrest is confirmed.

After hearing learned counsel for the parties, we are of the opinion that, since the interim measure directed by this Court on 11.12.2017 is concerned that would continue to operate till the decision is taken on the show cause notice served upon the petitioner as well as the subsequent show cause notice.

This Special Leave Petition is disposed of in the aforesaid terms.

In view of the aforesaid order, the petitioner also withdraws Writ Petition No. 10545/2017 pending in the High Court of Delhi.

The aforesaid writ petition is dismissed as withdrawn. This fact would be brought to the notice of the High Court.

It is made clear that the deposit of rupees twenty five lacs by the petitioner is subject to the outcome of the proceedings.

(SUSHIL KUMAR RAKHEJA)  
AR CUM PS

(RAJINDER KAUR)  
BRANCH OFFICER

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the ground that no coercive action be taken against him. The petitioner also wanted that there should be stay of further proceedings and he shall not be arrested in the meantime.

The High Court has rejected the aforesaid prayers and has kept the petition for hearing in respect of other issues.

This Court, in the present Special leave Petition, has passed the following order on 11.12.2017:

"Issue notice.

Tag along with S.L.P.(C) No. 28215/2016.

As an interim measure, it is directed that there shall be stay of the operation of the impugned judgment. However, the adjudication against the respondents shall continue, but no coercive steps shall be taken against them. Needless to say, the process of adjudication shall commence within three weeks hence and the respondents shall cooperate with the process of adjudication. In case the respondents succeed, they shall be entitled to refund with interest."

Mr. P.S. Patwalia, learned senior counsel appearing for the petitioner, submits that the petitioner would not press other reliefs prayed in the writ petition and he would participate in the proceedings pursuant to the show cause notice issued to the petitioner as well as the subsequent show cause notice, in case the aforesaid interim order giving protection against the arrest is confirmed.

After hearing learned counsel for the parties, we are of the opinion that, since the interim measure directed by this Court on 11.12.2017 is concerned that would continue to operate till the decision is taken on the show cause notice served upon the petitioner as well as the subsequent show cause notice.

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