

ITEM NO.301

COURT NO.2
(HEARING THROUGH VIDEO CONFERENCING)

SECTION X

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

Writ Petition (Civil) No.940/2017

BIKRAM CHATTERJI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(MATTERS CONCERNING MR. PREM MISHRA AND RELATED PERSONS; ISSUE RELATED TO ATTACHED ASSETS; AND, ISSUE RELATED TO SALE OF RESORT LAND AT UDAIPUR; IA No.74385/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.12572/2022 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.90985/2020 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.13574/2022 - FOR CLARIFICATION/DIRECTION; IA No.122602/2021 - FOR CLARIFICATION/ DIRECTION; IA No.90986/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.74386/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.8259/ 2019 - FOR INTERVENTION; and, IA No.13600/2022 - FOR INTERVENTION)

WITH

W.P.(C) No.245/2018 (X)

W.P.(C) No.306/2018 (X)

W.P.(C) No.502/2019 (X)

Diary No.36392/2019 (X)

SLP(C) No.1879/2018 (XVII)

SMC (Cr1) No.4/2018 (XVII)

W.P.(C) No.1374/2021 (X)

(FOR ADMISSION; IA No.166630/2021 - FOR EXEMPTION FROM FILING O.T.; and, IA No.166629/2021 - FOR APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No.378/2018 (X)

W.P.(C) No.298/2018 (X)

CONMT. PET.(C) No.483/2020 in W.P.(C) No.940/2017 (X)

W.P.(C) No.288/2018 (X)

W.P.(C) No.1397/2018 (X)

W.P.(C) No.246/2018 (X)
W.P.(C) No.226/2018 (X)
W.P.(C) No.267/2018 (X)
W.P.(C) No.1018/2017 (X)
W.P.(C) No.353/2018 (X)
W.P.(C) No.460/2018 (X)
W.P.(C) No.829/2018 (X)
W.P.(C) No.742/2018 (X)
W.P.(C) No.199/2018 (X)
W.P.(C) No.134/2018 (X)
W.P.(C) No.164/2018 (X)
W.P.(C) No.1206/2017 (X)
W.P.(C) No.281/2018 (X)
W.P.(C) No.1116/2017 (X)
W.P.(C) No.1156/2017 (X)
W.P.(C) No.1144/2017 (X)
W.P.(C) No.1041/2017 (X)
W.P.(C) No.971/2017 (X)
W.P.(C) No.947/2017 (X)
W.P.(C) No.56/2018 (X)
W.P.(C) No.57/2018 (X)
W.P.(C) No.74/2018 (X)
W.P.(C) No.131/2018 (X)
W.P.(C) No.182/2018 (X)

W.P.(C) No.942/2017 (PIL-W)

W.P.(C) No.8/2018 (X)

W.P.(C) No.1242/2017 (X)

W.P.(C) No.58/2018 (X)

W.P.(C) No.21/2018 (X)

W.P.(C) No.52/2018 (X)

W.P.(C) No.91/2018 (X)

W.P.(C) No.160/2018 (X)

Date : 07-03-2022 These matters were called on for hearing today.

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HON'BLE MS. JUSTICE BELA M. TRIVEDI

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

PART – I

NOTE - 1, 2 & 3

SUBMITTED BY MR. R. VENKATARAMANI, COURT RECEIVER

A) Re.: FUNDING BY BANKS

Mr. R. Venkataramani, learned Court Receiver submits that approval has been received from Bank of Baroda but other Banks have not yet sent final approval.

Mr. Alok Kumar, learned Advocate appearing for UCO Bank and Ms. Megha Karnwal, learned Advocate appearing for State Bank of India submit that the process is in the final stages and by tomorrow or day after, the approval should be received by the learned Court Receiver. The learned Advocates appearing for the other Members of the Consortium, namely, Punjab National Bank, Punjab & Sind Bank, and Bank of India are not available but we hope that their approvals, going by the tenor of orders passed on the previous occasions and the submissions made by the learned Counsel appearing for the Banks, must also be in the final stages.

Let the needful be done and the money be released before the next date of hearing.

List the matter for further consideration on 14.03.2022.

B) Re.: ATTACHED ASSETS

As indicated in the order on the last occasion, Mr. Shiv Priya and related persons have submitted their documents to Mr. Pavan Aggarwal, learned Forensic Auditor.

Mr. Pavan Aggarwal submits that after considering the representation and documents, he will give necessary inputs to the learned Court Receiver whereafter the matter can be looked into by the learned Court Receiver and a report can be made to this Court.

The Receiver may, as he deems appropriate, grant hearing through Video Conferencing, to the learned Counsel for Mr. Shiv Priya and Mr. Anil Kumar Sharma.

Let a Report be placed on record before the next date of hearing.

List the matter for further consideration on 14.03.2022.

C) Re.: SALE OF RESORT LAND AT UDAIPUR

Though the notice on this issue was made returnable today, according to the Office Report, none has entered appearance on behalf of Udaipur Improvement Trust (UIT).

In the interest of justice, we adjourn the matter to 14.03.2022.

The Registry is directed to send an appropriate intimation to UIT through telegraphic/electronic mode immediately.

D) Re.: MISCELLANEOUS

The order passed under this Head on the last occasion calls for a minor correction, in that instead of “NIT Nagpur” and “IMT Jalandhar”, the expressions be read as “VNIT Nagpur” and “NIT Jalandhar”.

Mr. Siddhartha Dave, learned Senior Advocate appearing for the NBCC submits that though the safety of the constructions undertaken by the NBCC is beyond any doubt, it is only as a matter of prudence and precaution that the exercise as stated in the order will be undertaken by the NBCC; and that this ought not to be taken as reflection on the quality of construction undertaken by the NBCC. Statement recorded.

The learned Receiver rightly submits that in view of the exercise undertaken by the NBCC, there ought not to be any interference from any quarter including the residents of the concerned apartments built/re-constructed by the NBCC.

PART – II

Re: I.A. No. 122602 OF 2021 (Vol. No.I-177) – Application seeking issuance of direction for release of Passport and cancellation of Look Out circular issued, if any, against Rajeev K. Saxena, Partner, S.N. Dhawan & Co., LLP (Statutory Auditor for 4 out of 46 Companies)

The learned Court Receiver submits that the prayer made in this application may be allowed subject to the objections, if any, from the Department.

Mr. Vikramjit Banerjee, learned Additional Solicitor General submits that the Status Report in this matter on behalf of Delhi Police shall be placed on record during the course of the day. He further submits that going by the Status Report, there appears to be no objection to the grant of relief prayed for in the application.

Ms. Sonia Mathur, learned Senior Advocate appearing for the applicant submits that in the year 2018 her client was orally conveyed about the existence of a Look Out Circular. She submits that as per her instructions, no such Circular is in existence.

Mr. Vikramjit Banerjee, learned Additional Solicitor General, on instructions, reiterates that insofar as his client, namely, Delhi Police, is concerned, there has been no step to have any Look Out Circular issued.

In the circumstances, we direct that the Passport be released to the applicant in I.A. No.122602 of 2021.

It is also made clear that if there be any Look Out Circular or any such communication/document, the applicant shall be at liberty to take appropriate steps to challenge the correctness and validity thereof, if so advised.

Application stands disposed of accordingly.

PART-III

**Re.: MATTERS CONCERNING MR. PREM MISHRA,
RELATED PERSONS AND OTHER ENTITIES**

[IA No.8259/2019 – For Intervention/Direction (Vol. No.Z-88); IA No.74385/2020 - For Direction (Vol. No.I-131), IA Nos.90985 and 90986 of 2020 – For Direction and for Exemption from Filing Attested Affidavit (Vol. No.I-141); Affidavit in Compliance of Order dated 07.12.2020 (Vol. No.R-138); Provisional Attachment Order No.01/2021 dated 22.02.2021 passed by the Enforcement Directorate (Vol. No.R-173), and, Objection to the observations made against the applicant by Forensic Auditor in Reports dated 23.07.2021 and 10.10.2019 (Vol. No.R-86)]

During the course of hearing, Status Reports dated 04.10.2021, 28.10.2021 and 16.02.2022 submitted on behalf of the Enforcement Directorate were referred to by Mr. Sanjay Jain, learned Additional Solicitor General appearing on behalf of the

Enforcement Directorate. Copies of these Reports have not been furnished to the learned counsel appearing for Mr. Prem Mishra and other related companies/entities.

The Registry is directed to photocopy only the relevant pages pertaining to Mr. Prem Mishra and submit the same to Mr. Divyesh Pratap Singh, learned Advocate-on-Record appearing for Mr. Prem Mishra, Mr. M.L. Lahoty and Mr. Kumar Mihir, learned Advocates appearing for the home-buyers.

After taking out relevant copies, the Status Report filed by the Enforcement Directorate shall be compiled together and kept in one Sealed Cover.

Mr. Vikas Singh, learned Senior Advocate appearing for Mr. Prem Mishra and other connected entities made his submissions on the basis of material on record comprising of documents other than the aforesaid Status Reports, In case he wishes to supplement his submissions, he is at liberty to do so on the next occasion. We shall, thereafter, hear Mr. M.L. Lahoty and Mr. Kumar Mihir, learned Advocates and Mr. Pavan Aggarwal, learned Forensic Auditor.

List this matter on 14.03.2022 as Part Heard, to be taken as the First Item on Board.

PART-IV

Re.: STATUS REPORTS SUBMITTED BY THE ENFORCEMENT DIRECTORATE

The Status Reports submitted by the Enforcement Directorate have dealt with issues and entities other than Mr. Prem Mishra.

It has been brought out through the Status Reports that certain proceeds of crime were received in the hands of certain individuals/entities and that there is need to proceed against such properties/proceeds of crime in accordance with law.

The Enforcement Directorate is at liberty to take appropriate steps as are open to it in law.

PART – V

All the remaining Interlocutory Applications on Board are adjourned to 14.03.2022 at 2.00 p.m.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER