

ITEM NO.10

COURT NO.4

SECTION II-C

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 6323-6324/2020

[Arising out of impugned final judgment and order dated 14-08-2020 in MCRCa No. 469/2020 14-08-2020 in MCRCa No. 484/2020 passed by the High Court of Chhatisgarh at Bilaspur]

THE DIRECTOR, DIRECTORATE OF ENFORCEMENT

PETITIONER(S)

VERSUS

ANIL TUTEJA & ORS.

RESPONDENT(S)

[TO BE TAKEN UP IN FIRST TEN MATTERS]**IA No. 157174/2021 - APPLICATION FOR PERMISSION****IA No. 9998/2022 - EARLY HEARING APPLICATION****IA No. 256912/2024 - EXEMPTION FROM FILING O.T.****IA No. 157576/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES****IA No. 49667/2024 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS****IA No. 122798/2021 - STAY APPLICATION****WITH****W.P.(Crl.) No. 506/2021 (X)****FOR****FOR STAY APPLICATION ON IA 157100/2021****FOR EXEMPTION FROM FILING O.T. ON IA 4219/2022****FOR EARLY HEARING APPLICATION ON IA 9989/2022****FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 134479/2022****FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 141769/2022****FOR INTERVENTION APPLICATION ON IA 143140/2022****FOR EXEMPTION FROM FILING O.T. ON IA 145625/2022****FOR INTERLOCUTARY APPLICATION ON IA 152558/2023****FOR EXEMPTION FROM FILING O.T. ON IA 152562/2023****FOR INTERLOCUTARY APPLICATION ON IA 152567/2023****FOR EXEMPTION FROM FILING O.T. ON IA 143179/2024****FOR EXEMPTION FROM FILING O.T. ON IA 254572/2024****FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 254573/2024****IA No. 9989/2022 - EARLY HEARING APPLICATION****IA No. 134479/2022 - EXEMPTION FROM FILING AFFIDAVIT****IA No. 4219/2022 - EXEMPTION FROM FILING O.T.****IA No. 152562/2023 - EXEMPTION FROM FILING O.T.****IA No. 145625/2022 - EXEMPTION FROM FILING O.T.****IA No. 254572/2024 - EXEMPTION FROM FILING O.T.****IA No. 143179/2024 - EXEMPTION FROM FILING O.T.**

IA No. 152567/2023 - INTERLOCUTARY APPLICATION
 IA No. 152558/2023 - INTERLOCUTARY APPLICATION
 IA No. 143140/2022 - INTERVENTION APPLICATION
 IA No. 141769/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 254573/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 157100/2021 - STAY APPLICATION

SLP(CRL.) NO. 18075/2024 (II-C)
 FOR ADMISSION

IA No. 296652/2024 - EXEMPTION FROM FILING O.T.

Date : 12-02-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
 HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Dr. Ranjit Singh, Adv.
 Mr. Nandlal Kumar Mishra, Adv.
 Mr. Anil Legha, Adv.
 Dr. Sushil Balwada, AOR

 Mr. Mukesh Kumar Maroria, AOR

For Respondent(s) : Mr. Gaurav Khanna, AOR

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Siddharth Agarwal, Sr. Adv.
 Mr. Arshdeep Singh Khurana, Adv.
 Mr. Malak Manish Bhatt, AOR
 Ms. Neeha Nagpal, Adv.
 Mr. Harsh Srivastava, Adv.
 Ms. Samridhi, Adv.
 Mr. Sidak Singh Anand, Adv.

Mr. Mahesh Jethmalani, Sr. Adv.
 Mr. Ravi Sharma, D.A.G.
 Mr. Apoorv Shukla, AOR
 Mr. Ajay Awasthi, Adv.
 Ms. Mugdha Pande, Adv.
 Ms. Prabhleen A. Shukla, Adv.
 Mr. Vaibhav Thaledi, Adv.

Mr. Siddharth Mittal, AOR
 Mr. Prabhat Kumar, Adv.

Mr. Ajit Kumar Ekka, AOR

Mr. Sandeep Malik, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Suryaprakash V Raju, A.S.G.

Mr. Zoheb Hussain, Adv.

Mr. Annam Venkatesh, Adv.

Mr. Kanu Agarwal, Adv.

Ms. Sairica S Raju, Adv.

Mr. Arvind Kumar Sharma, AOR

Ms. Karuna Sharma, Adv.

Ms. Aakriti Mishra, Adv.

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).6323-
6324/2020 WITH W.P.(Crl.) No.506/2021

The sealed envelope which is referred in order dated 19th September, 2022 is opened. After opening the sealed envelope, we found following documents:-

Exhibit-1, from page Nos.1 to 25 (Taking into consideration pagination made on the right top corner).

Exhibit-2, from page Nos.26 to 69 (Taking into consideration pagination made on the right top corner).

Exhibit-3, from page Nos.70 to 237 (Taking into consideration pagination made on the right top corner).

Exhibit-4, from page Nos.238 to 257 (Taking into consideration pagination made on the right top corner).

Exhibit-5, from page Nos.258 to 287 (Taking into consideration pagination made on the right top corner).

Exhibit-6, from page Nos.288 to 298 (Taking into consideration pagination made on the right top corner).

Exhibit-7, from page Nos.299 to 407 (Taking into consideration pagination made on the right top corner).

Exhibit-8, from page Nos.408 to 500 (Taking into consideration pagination made on the right top corner).

Exhibit-9, from page Nos.501 to 548 (Taking into consideration pagination made on the right top corner).

Exhibit-10, from page Nos.549 to 552 (Taking into consideration pagination made on the right top corner).

Exhibit-11, from page No.553 onwards (there is no pagination on the last two pages).

2. Mr. Suryaprakash V. Raju, learned ASG, on instruction, earlier stated that the petitioner will not rely upon any of these documents for the purposes of this petition(s) and he will rely upon only those documents which are part of affidavit filed by State of Chhattisgarh. At this stage, learned ASG states that he will supply copies of the aforesaid documents to the advocate representing the respondent(s).

3. There is also a statement dated 28th September, 2021 of *Mr. Anil Tuteja*, kept in the sealed cover. The learned ASG states that he will provide a copy thereof to Advocate representing the respondent(s).

4. There are other documents in the sealed cover:- (I) Written submissions on behalf of Solicitor General of India. (ii) a brief note containing list of dates. (iii) issues to be raised before the Supreme Court of India (page Nos.1 to 11) and (iv) application for impleadment in W.P. (Crl.) No.506/2021. We find that there is nothing confidential about these documents and therefore, copies

thereof be supplied to the Advocate for the respondent.

5. Now, comes a confidential note running into 18 pages filed on record, probably by the State of Chhattisgarh, in terms of liberty granted under order dated 19th September, 2022. But none of the learned counsel are clear on this. No one has said that a particular party has filed it. This confidential note shall be re-sealed. The other documents need not be sealed. We direct Registrar (Judicial) to do give inspection of the confidential note to Advocate-on-Record/counsel representing both the sides. We make it clear that Advocates-on-Record/counsel representing both the sides will take inspection of this confidential note as an Officers of the Court and not as the counsel representing the parties, which means that they are under an obligation not to disclose the contents of the confidential note to anyone without permission of this Court. They will not be entitled make copies of the document either by using a cellphone or any other equipment. After the learned counsel inspect the note, we will take a decision about supplying copies thereof.

4. Across the Bar, it is pointed out that there is no laid down procedure which enables the parties to take inspection on the documents on record (documents which are not marked as confidential). If such procedure is in existence, Registry to place it on record on the next date of hearing.

5. List the petitions for direction on 28th February, 2025.

Learned standing counsel appearing for the State of Chhattisgarh, states that he will appear in this case. Notice has already been issued to the respondent-State of Chhattisgarh.

2. List the matter on 7th March, 2025 and to be de-tagged from the other cases.

(JAGDISH KUMAR)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)