

ITEM NO.1

COURT NO.6

SECTION II

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

Criminal Appeal No(s). 761-762/2021

THE STATE OF TELANGANA

REP BY SPECIAL OFFICER VANDHANA & ORS.

Appellant(s)

VERSUS

M/S HEERA GOLD EXIM PRIVATE LIMITED & ORS.

Respondent(s)

([FOR DIRECTIONS])

WITH

W.P.(Cr1.) No. 31/2020 (X)

IA D. No. 83481/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA D. No. 107284/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA D. No. 120687/2021 - CLARIFICATION/DIRECTION

IA D. No. 121683/2021 - CLARIFICATION/DIRECTION

IA No. 86403/2021 - INTERVENTION APPLICATION

Date : 24-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. A.S. Rawat, Sr. Adv.

Mr. Nikhil Rohatgi, Adv.

Mr. Ankit Shah, Adv.

Mr. Sadashiv, AOR

Mr. Ranjit Kumar, Sr. Adv.

Mr. A.S. Rawat, Sr. Adv.

Mr. Sadashiv, AOR

Mr. Nishant Sanjay Kumar Singh, Adv.

Mr. Pawan Kumar, Adv.

Mr. R. Basant, Sr. Adv.

Mr. S. Udaya Kumar Sagar, AOR

Ms. Sweena Nair, Adv.

For Respondent(s)

Mr. S.V. Raju, Ld. ASG

Ms. Sairica S. Raju, Adv.

Mr. Zoheb Hussain, Adv.

Mr. Ashutosh Ghade, Adv.

Ms. Swati Ghildiyal, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Sughosh Subramaniam, Adv.

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Mr. Abhishek Kumar, Adv.
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 Mr. Arvind Kumar Sharma, AOR
 Mr. Mukesh Kumar Maroria, AOR
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R-1 and 2

Mr. Ranjit Kumar, Sr. Adv.
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 Mr. Ganesh Barowalia, Adv.
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 Mr. Alim Anvar, Adv.
 Mr. Vitso Rio, Adv.

Mr. Mahfooz Ahsan Nazki, AOR
 Mr. Polanki Gowtham, Adv.
 Mr. Shaik Mohamad Haneef, Adv.
 Mr. T. Vijaya Bhaskar Reddy, Adv.
 Ms. Rajeswari Mukherjee, Adv.
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Mr. Shubhranshu Padhi, AOR
 Mr. Ashish Yadav, Adv.
 Mr. Rakshit Jain, Adv.
 Mr. Vishal Banshal, Adv.

Mr. Vikrant Singh Bais, AOR

Mr. Md. Rashid Saeed, AOR

Mr. Sadineni Ravi Kumar, AOR

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Mr. Gaurav Agrawal, Adv,
 Mr. Abhikalp Pratap Singh, AOR

Mr. Jaimon Andrews, Adv.
 Mr. K.P. Rajagopal, Adv.
 Mr. Naresh Kumar, AOR

Mr. Anil Kumar, Adv.
 Mr. Umang Tripathi, Adv.

Mr. Kamal Mohan Gupta, AOR

Mr. Mohd. Zahid Hussain, Adv.
 Mr. Camran Iqbal, Adv.
 Mr. Comred Iqbal, Adv.
 Ms. Sangeeta Kumari, Adv.
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Mr. Syed Mehdi Imam, AOR
 Mr. Tabrez Ahmad, Adv.
 Mr. Shane Ilahi Turkey, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR
 Mr. Omkar J. Deshpande, Adv.
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 Mr. Dnyaneshwar Telang, Adv.

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Mr. Rahul Chitnis, Adv.
 Mr. Sachin Patil, AOR
 Mr. Aaditya a. Pande, Adv.
 Mr. Geo Joseph, adv.
 Ms. Shwetal Shepal, Adv.

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

IA D. No. 83481/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA D. No. 107284/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA D. No. 120687/2021 - CLARIFICATION/DIRECTION
 IA D. No. 121683/2021 - CLARIFICATION/DIRECTION

We have already stated that we will not entertain
 any new applications in these proceedings.

Registry not to register any such applications.

The applications are dismissed.

We have perused the status report and learned counsel for the petitioners submits that he really does not have any cavil to the report and and is willing to assist in all manner to see the satisfaction of the claim of the investors.

Learned ASG points out that there are two aspects on which they need the assistance of the petitioners :

- a) In identifying the claims of the investors;
- b) In identifying the properties which can be sold to realize the claims.

Insofar as the first aspect is concerned, learned senior counsel for the petitioners has, even on earlier occasions, been offering that their concerned people, under the supervision of the SFIO, can help in identifying and verifying the claims, if the hard disk is made available to them. In any case, we are of the view, that in the meantime, at least under the supervision of the SFIO, they can seek assistance from the petitioners' representatives to facilitate the task

which the SFIO is performing.

Insofar as second aspect is concerned, learned counsel for the petitioners once again states that they have no objection as long as any of the properties attached numbering 87 are sold by a transparent manner and as per a reasonable market price and they will also assist the SFIO in that process.

The FSL Lab, Telengana will render full cooperation and process their work at the earliest as it has already been more than three years.

Learned Counsel for the petitioners on the last date and today also seeks to flag an issue of the income tax authorities having carried out assessment when the petitioners were in custody and in the process, attaching the accounts. We have put to them that these are separate proceedings and appropriate remedy will have to be taken by them but simultaneously we have put to learned ASG that the issue may be looked into as proceedings at the back of the assesseees in these manners invariably get set aside and in the meantime, the task of meeting the investors' claim by attachment of the accounts impedes that process.

We are unable to appreciate as to why the assistance to the fullest extent should not be taken from the petitioners, more so, when for years

together, the investigating agency has not been able to complete the task. It is obvious they require the assistance of the petitioners who are willing to give the same and mere apprehensions can not be an answer. We hope this will assist in the investigations proceeding quickly and the claims being verified.

We have also put to the learned ASG, on the aspect of costs likely to be incurred of Rs.60 lakh as indicated by him, that these costs really are immaterial when an investigation is going on and it is always open to recover the costs ultimately from the amounts from the assets which stand attached. Further, these costs can be reduced if a pragmatic view is taken of seeking assistance from the petitioners, specially in identifying the claims of the claimants.

On the aforesaid observations, learned ASG stays that that the petitioners can depute their technical staff under the supervision of their officers to assist them. The petitioners assure that technical staff will report within three days at the SFIO office at Hyderabad.

I.A. NO.86403/2021

The controversy in this application relates to provisional attachment order which was confirmed

and a decree which has been passed in favour of the applicants. The applicants have already availed of the remedy before the appellate authority of PMLA.

Suffice for us to observe that any action *qua* these properties will naturally be dependent on the final view taken by the appellate authority or any further proceedings arising therefrom.

We may note before parting that as per learned counsel for the non-applicants, it is their property and the decree is collusive for which they have also filed appeal before the appellate authority.

The application stands disposed of in terms aforesaid.

CRIMINAL APPEAL NOS.761-762/2021
WITH W.P.(CRL.) NO. 31/2020

List for further report on 12.05.0222.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)