

ITEM NO.301

COURT NO.4

SECTION XVII-A

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

Civil Appeal No(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA No. 57580/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 88960/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 58386/2021 - CLARIFICATION/DIRECTION
IA No. 57581/2021 - INTERVENTION/IMPLEADMENT
IA No. 47525/2021 - INTERVENTION/IMPLEADMENT
IA No. 105758/2021 - RECALLING THE COURTS ORDER
IA No 152849 of 2021)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)
(IA No. 83599/2020 - CLARIFICATION/DIRECTION
IA No. 72200/2018 - CLARIFICATION/DIRECTION
IA No. 72138/2018 - INTERVENTION APPLICATION
IA No. 72189/2018 - INTERVENTION/IMPLEADMENT)

Date : 01-12-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.

For Appellant(s) Mr. Deepak Goel, AOR

Mr. Siddhartha Dave, Sr. Adv.
Mr. Vishal Gosain, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Neeha Nagpal, Adv.
Mr. Jamten Doma, Adv.

Mr. N. Venkataraman, ASG
Ms. Anubha Agrawal, AOR

For Respondent(s) Mr. N. Venkataraman, ASG
Ms. Anubha Agrawal, AOR

Ms. Madhavi Divan, ASG
Mr. K.M. Nataraj, ASG
Mr. M.K. Maroria, AOR
Ms. Shradha Deshmukh, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Rajan Kr Chourasia, Adv.
Mr. Prashant Singh B, Adv.
Mr. Amrish Kumar, Adv.
Mr. Ayush Puri, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Praveena Gautam, Adv.
Mr. Shekhar Vyas, Adv.
Mr. Santosh Kumar, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Ankur Talwar, Adv.
Ms. Vaishali Verma, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Arvind Kumar Sharma, AOR
Ms. Suhashini Sen, Adv.
Mr. T.A. Khan, Adv.
Mr. Sidharth, Adv.
Mr. Anish Kr. Gupta, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. P.R. Kovilan Poongkuntran, Adv.
Mrs. Geetha Kovilan, AOR
Mr. Amit Bhandari, Adv.
Mr. Arunabh Choudhary, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Aman Raj Gandhi, AOR
Mr. Parthasarathy Bose, Adv.
Mr. Aditya Ladha, Adv.
Mr. Mohan, Adv.

Mr. Sajan Poovayya, Sr. Adv.
Mr. Vikram Hegde, Adv.
Mr. Shantanu Lakhotia, Adv.
Ms. Hima Lawrence, AOR
Mr. Pratibhanu Kharola, Adv.
Mr. Sharan Balakrishna, Adv.

Mr. Vinay Navare, Sr. Adv.
Mr. Abhishek Aggarwal, Adv.
Mr. Parth Davar, Adv.
Mr. Ravi Panwar, AOR

Mr. Nikhil Nayyar, Sr. Adv.
Ms. Pritha Srikumar, AOR
Mr. Naveen Hegde, Adv.
Ms. Mansi Binjrajka, Adv.

Mr. Sanjay Kumar Visen, AOR

Ms. Jaikriti S. Jadeja, AOR

Ms. Swarupama Chaturvedi, AOR

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

IA No 152849 of 2021

1 The IA has been moved by the Assistant Director in the Enforcement Directorate seeking a clarification of the order of this Court dated 26 August 2021. The Enforcement Directorate has stated that it requires custodial interrogation of the accused persons, Sanjay Chandra and Ajay Chandra. The Enforcement Directorate has moved an application before the Chief Metropolitan Magistrate, Patiala House Courts, on which production warrants were issued on 2 November 2021 and 12 November 2021. However, paragraph 8 of the order of this Court dated 26 August 2021 reads as follows:

“8 In the circumstances, we order and direct that both the accused, Sanjay Chandra and Ajay Chandra be shifted from Tihar Central Jail to the premises of Arthur Road Jail, Mumbai and Taloja Central Jail, Mumbai, respectively. The video conferencing facility at the Jails to which the accused are being transferred shall be made available so as to enable them to record their presence in the court proceedings where their presence is required.”

2 Ms Madhavi Divan, Additional Solicitor General, submitted that paragraph 8 of the order dated 26 August 2021 stipulates that the video conferencing facility from the Arthur Road Jail and Taloja Central Jail would be made available and, hence, a clarification is necessary so as to permit the Enforcement Directorate to apply for the production of the accused.

3 Having regard to the contents of the IA, which has been filed by the Enforcement Directorate, we clarify that the order dated 26 August 2021 would not come in

the way of the Enforcement Directorate in moving the requisite application before the Magistrate for the purpose of seeking custodial interrogation of the accused which shall be decided on its own merits. We also clarify that in the event that custodial interrogation is granted by the Magistrate, the accused shall be transferred back to the Jails to which they were directed to be lodged in terms of the order dated 26 August 2021.

4 Mr Siddhartha Dave, Senior Counsel, who appears on behalf of the accused, submits that the accused may be permitted to move an application before the Magistrate in order to seek the facility of consulting with the lawyers.

5 We leave it open to the accused to move an application before the concerned Magistrate. This Court has not expressed any opinion on the maintainability or merits of such an application. The Magistrate would consider the application strictly in accordance with the applicable legal provisions.

6 The IA is accordingly disposed of.

Civil Appeal No(s).10856/2016 & SLP(Crl) No. 5978-5979/2017

1 On the request of Ms Madhavi Divan, Additional Solicitor General, extension of two weeks is granted to the Ministry of Home Affairs to file a comprehensive affidavit indicating the steps which have been taken to ensure compliance with the recommendations which have been made in the report of the Commissioner of Police.

IA No 58386/2021 & 105758/2021 (Priyadarshini Foundation Pvt Ltd)

1 List the applications tomorrow (2 December 2021) at 3.30 pm before the Special bench.

2 List the following interlocutory applications on 9 December 2021 at 2 pm:

- (i) IA Nos 88960/2020 & 47525/2021 (M/s Devas Global)
- (ii) IA Nos 57580/2021 & 57581/2021 (APIIC)
- (iii) IA Nos 83599/2020, 72200/2018, 72138/2018 & 72189/2018
in SLP (CrI) Nos 5978-5979/2017
(Wisdom World Developers)

3 The office report indicates that an amount of Rs 1.13 crores invested in Fixed Deposit is maturing on 31 December 2021. The FDR be renewed for a period of three months, which shall be auto-renewed from time to time.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER