

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **Rev.Pet.No.438/2014 & CM 15725/2014 (impleadment) and CM 15727/2014 (stay) in W.P.(C) 5974/2014**  
+ **Rev.Pet.No.439/2014 & CM 15728/2014 (impleadment) and CM 15729/2014 (stay) in W.P.(C) 5974/2014**

Reserved on: 29.09.2014  
Pronounced on: 14.10.2014.

DALJEET SINGH ..... Petitioner  
Through: Mr. Vikas Pahwa, Sr. Advocate with  
Mr.Sulaiman Mohd. Khan, Advocate.  
Versus

UNION OF INDIA & ORS. .... Respondents  
Through: Mr. Sanjay Jain, ASG with  
Mr.Sanjeev Narula, CGSC & Ms. Shreya Sinha,  
Adv. for Union of India  
Mr. K. Raghavacharvulyu with Ms. Arunima Pal,  
Mr. Sumit Kumar, Advs. for CBI  
Mr. Amit S. Chadha, Sr. Adv. with Ms. Shalini  
Kapoor, Mr. Atanu Mukherjee, Mr.Pradeep  
Aggarwal & Mr. Ankit Kohli, Advs. for  
petitioner in Rev. Pet. No.438/2014  
Mr. Krishnan Venugopal, Mr. Ravi Gupta, Sr.  
Advocates with Mr. Neeraj Chaudhary, Adv. for  
petitioner in Rev. Pet. No.439/2014

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

### **J U D G M E N T**

: **MS. G. ROHINI, CHIEF JUSTICE**

1. The applicants who are third parties to W.P.(C)No.5974/2014 seek their impleadment as party respondents and to review/recall the order dated 10.09.2014 made in W.P.(C) No.5974/2014.

2. W.P.(C) No. 5974 of 2014 was disposed of by this Court by order dated 10.09.2014 which reads as under:

*“1. This writ petition, by way of public interest litigation, has been filed seeking a direction for a thorough and in-depth investigation by the CBI into the working and conduct of the proceedings in the Board of Industrial and Financial Reconstruction (BIFR) alleging inter alia misuse of the official position by the members of BIFR who are arrayed as respondents No.5 and 6. It is also alleged that the respondents No.5 and 6 have been, in the name of reconstruction of the sick industries, benefitting the persons in whom they are interested and at times transferring the assets of the sick industries to them at throw-away prices. Various other allegations including indifferent non-judicious attitude, deliberate wrong recording of the proceedings before the BIFR and abuse of process of law have also been made by the petitioner.*

*2. However, even according to the petitioner FIR No.1A dated 03.03.2014 has already been registered by the respondent No.4/CBI for the offences under the Prevention of Corruption Act read with Section 120B of IPC and the accused in the said FIR included the persons who have allegedly colluded with the respondents No.5 and 6. The names of some of the accused shown in FIR No.1A have been specifically mentioned in the writ petition.*

*3. The learned counsel appearing for the CBI, on instructions, submits that the investigation in FIR No.1A is pending and the averments in the present petition will also be taken into consideration while proceeding with the said investigation.*

*4. Under the circumstances, we do not feel it necessary to entertain the writ petition. Accordingly, without expressing any opinion on any of the allegations made by the petitioner, the writ petition is disposed of.*

*5. The statement of the learned counsel for CBI that the averments in the present petition will be taken into*

*consideration while proceeding with the investigation in FIR No.1A dated 03.03.2014 is placed on record.”*

3. It is alleged in the applications that WP(C) No.5974 of 2014 filed by way of public interest litigation was nothing but abuse of process of law and that it was an attempt to taint the applicant companies which are in the process of revival under the schemes sanctioned by the BIFR. It is also alleged that the petitioner had grossly abused the forum of PIL and had made baseless, scandalous and defamatory remarks against the Members of BIFR apart from suppressing the material facts. The further contention is that the order under review is in violation of the principles of natural justice since the said order which was passed without hearing the applicants would adversely affect their rights.

4. We have heard the learned counsel appearing for both the parties.

5. As we could see, the applicant in Review Petition No.438/2014 is concerned with Case No.5/1995 pending before BIFR wherein a rehabilitation scheme is under implementation, whereas the applicant in Review Petition No.439/2014 is the Mazdoor Union of J.K. Jute Mills Company in respect of which the draft rehabilitation scheme is under consideration vide Case No.149/1994.

6. A perusal of the writ petition shows that the petitioner having made certain allegations against the respondents 5 & 6, gave the instances of the proceedings in three cases pending before the BIFR, viz., Case No.55/2008, Case No.5/1995 and Case No.149/1994. However, FIR No.1A dated 03.03.2014 does not refer to the transactions which are the subject matter of Case Nos.5/1995 and 149/1994 with which the applicants herein are concerned. The allegations in FIR No.1A dated 03.03.2014

appear to be only with regard to the sale transactions which are the subject matter of Case No.55/2008 relating to M/s NRC Limited.

7. Therefore, it is sought to be contended by the learned senior counsel appearing for the review petitioners that the order under review wherein this Court recorded the statement of the counsel for the CBI that the averments in the writ petition will also be taken into consideration while proceeding with the investigation in FIR No.1A dated 03.03.2014 would adversely affect the rehabilitation process in Case Nos.5/1995 and 149/1994. It is also contended that though the said FIR has nothing to do with the rehabilitation schemes of the applicant companies, the CBI under the guise of pending inquiry/investigation would interfere with the dealings of the applicant companies and that the order under review is also likely to influence the AAIFR in deciding the appeal pending before it.

8. We may, at the outset, point out that while disposing of the writ petition, it was made clear that this Court is not expressing any opinion on any of the allegations made by the petitioner. This Court never intended to direct any investigation and in fact it was observed that there was no necessity to entertain the writ petition. Therefore, the apprehension of the applicants is baseless and we do not find any substance in the contention that the order under review would adversely affect the rights of the applicants.

9. It may be added that registration of FIR is nothing but setting the law in motion and the consequential steps would be taken in accordance with law on the basis of the material gathered in the investigation. The law is also well settled that this Court in exercise of jurisdiction under Article 226 of the Constitution of India will not direct the investigating authority to proceed with the investigation in a particular way.

10. It is represented by Mr. K. Raghavacharvulyu, the learned counsel for the CBI that the order under review has not been understood by CBI as a direction and that appropriate steps would be taken by CBI independently following due process of law.

11. For the aforesaid reasons, we make it clear that the order dated 10.09.2014 in W.P.(C)No.5974/2014 shall not be treated as a direction by this Court to CBI and it is for the CBI to act independently in accordance with law.

12. Accordingly, all the applications are disposed of.

**CHIEF JUSTICE**

**RAJIV SAHAI ENDLAW, J.**

**OCTOBER 14, 2014**

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