

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment pronounced on: 19th July, 2016

+ **W.P.(C) 5736/2016**

SUREN UPPAL

..... Petitioner

Through: Petitioner in person with Mr.Amit
Kumar Singh and Ms.Swatantra
Rai, Advocates

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Sanjay Jain, ASG, Mr.Jasmeet
Singh, CGSC, Ms.Aastha Jain,
Ms.Aastha Sharma and Mr.Srivats,
Advs. for UOI.
Ms.Sonia Mathur, Standing Counsel
for CBI with Mr.Abhishek Chauhan,
Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

JUDGMENT

Ms.G.ROHINI, CHIEF JUSTICE

CM No.23664/2016 (*exemption*)

Allowed, subject to all just exceptions.

W.P.(C) No.5736/2016

1. This petition by way of Public Interest Litigation has been filed with a prayer to direct court monitored inquiry/investigation by SIT into the alleged illegal and unlawful acts of phone tapping/interception and recording by the

respondent Nos.4 to 6/ESSAR Group of Companies during the period 2001-2006. Certain other reliefs, including providing security to the petitioner till the investigation is concluded and to allow him to submit to this court the data, documents and recorded CDs containing the incriminating conversations in a sealed cover for safe custody of the same, are also sought.

2. We have heard the petitioner who appeared in person.

3. Shri Sanjay Jain, the learned Additional Solicitor General, who appeared on advance notice on behalf of the respondent No.1/Union of India, has placed before this court the original file of the Government of India, Ministry of Home Affairs relating to the issue raised in the petition and submitted that the petitioner's complaint regarding the alleged illegal and unauthorized interception, tapping and recording of phone calls by ESSAR Group was sent by the Prime Minister's Office to the Ministry of Home Affairs for appropriate action and pursuant thereto the Ministry of Home Affairs has already directed the Delhi Police to conduct a preliminary inquiry. The learned ASG has also submitted that after receiving the inquiry report the appropriate action in accordance with law would be taken.

4. We have perused the original file produced by the learned ASG which contains the complaint of the petitioner as well as the documents relied upon by him. The file shows that the Delhi Police has already been directed to conduct the preliminary inquiry as to whether the alleged phone tapping actually took place, the genuineness of contents of the alleged tapes and other aspects.

5. With regard to the petitioner's request for directions to ensure safe custody of the incriminating documents/tapes, it is submitted by the learned ASG that if the petitioner so desires, the necessary steps would be taken by the Home Secretary for ensuring safe custody of the same.

6. In view of what has been stated by the learned ASG, the interference by this Court is not warranted. The petitioner is at liberty to take the steps as suggested by the learned ASG for safe custody of the incriminating documents/tapes stated to be in his possession.

7. The writ petition is accordingly disposed of.

CM No.23663/2016 (*stay*)

8. The application for stay is rendered infructuous in view of the order passed in the writ petition.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JULY 19, 2016

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