

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

Pronounced on: 28th March, 2017

+ W.P.(C) 7476/2016 & CM No.30763/2016 (*stay*)

**SOCIETY FOR CONSUMERS & INVESTORS
PROTECTION (SCIP) (REGD.)**

..... Petitioner

Through: Mr. Amit Khemka with Mr. Rishi
Shehgal & Ms. Nidhi Bhuwania, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC with
Mr. T.P. Singh, Adv. for R-1, 18 & 20/UOI.

Mr. Kirtiman Singh, CGSC with Mr. Karan Jain,
Advs. for TRAI.

Mr. Navin Chawla, Adv. for R-22.

Mr. Neeraj Malhotra with Mr. Rupal Luthra, Advs.
for R-27/SEBI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

J U D G M E N T

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

1. The petitioner which claims to be a registered Society and a Non-Governmental Organization consisting of various public spirited professionals filed this petition as a Public Interest Litigation raising certain issues with regard to **C.C.No.01/2014** titled ***CBI vs. Dayanidhi Maran and Ors.*** pending on the file of the Court of the Special Judge, 2G Spectrum Case, Patiala House Courts, New Delhi and seeking *inter alia* a direction to CBI to implead respondents No.15 to 18, 24 and 25 herein as accused; to make an application forthwith under Section 105C read with 105D-J of

Cr.P.C. 1973 for attachment and forfeiture of shares and assets of the respondent No.3 company as held by respondent No.13 through respondents No.15 & 16 and to ensure service of warrants of arrest upon the respondents No.9, 10, 12 & 13 herein immediately.

2. We have heard the learned counsel for the petitioner as well as the learned Standing Counsels for the Central Government appearing for the respondent No.1.

3. The material available on record shows that **C.C.No.01/2014** titled ***CBI vs. Dayanidhi Maran and Ors.*** is one of the cases relating to alleged irregularities in the grant of spectrum licenses during 2001 to 2007 the investigation into which was taken up pursuant to the order of the Supreme Court dated 16.12.2010 in the case of ***Centre for Public Interest Litigation & Ors. Vs. Union of India & Ors.***; **(2011) 1 SCC 560**. The charge sheet in the case on hand was filed on 29.08.2014 against the respondent No.7 herein, the then Minister of Communications and Information Technology and others for the offences punishable under the provisions of Prevention of Corruption Act, 1988 and Section 120-B of IPC. It is not in dispute that the case is now pending before the Special Court constituted in terms of the directions of the Supreme Court to try the said cases known as 2G Spectrum Scam Cases.

4. As we could see, the allegations in the writ petition included that the accused persons have been intentionally evading the service of summons and in the meanwhile, respondent No.13 has been taking active steps for

merging the Indian Wireless Business with respondent No.21 and thus, trying to liquidate all its assets and escape the clutches of law.

5. As already mentioned above, the case is now pending before the Special Court constituted in terms of the directions of the Supreme Court in *Centre for Public Interest Litigation vs. Union of India (Supra)*. Therefore, even assuming that the allegations made in the present petition have any substance, appropriate steps need to be taken before the Special Court itself. The directions sought in this writ petition, if granted, would not only interfere with the proceedings pending before the Special Court but also would defeat the very purpose and object of orders passed by the Supreme Court for constitution of a Special Court for dealing with 2G Spectrum Scam Cases.

6. Hence, we are not inclined to entertain this petition and the same is dismissed accordingly. All pending applications shall also stand disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

MARCH 28, 2017
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