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

+ W.P.(C) 8882/2018

ARUN KUMAR JAIN

..... Petitioner

Through: Mr Rakesh Agarwal, Advocate.

versus

CENTRAL BOARD OF DIRECT TAXES &
ORS

..... Respondents

Through: Mr Ruchir Bhatia, Sr. Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.12.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to release the documents as referred to in paras 4 and 5 of the said petition. In particular, the petitioner prays for release of the five Sale Deeds pertaining to immovable property situated at South Extension Centre, 273 Masjid Moth, NDSE Part-II, New Delhi-110049. According to the petitioner, the said documents were seized during the search and seizure operations that were conducted on 14.11.2000.
2. Concededly, proceedings in relation to the relevant assessment years are over and the petitioner is entitled to release the documents, so seized. On 27.11.2018, the learned counsel appearing for the respondents had reported that the documents are no longer traceable and the respondents were called upon to file an affidavit to the aforesaid effect. In compliance with the order dated 27.11.2018, the respondents have filed an affidavit

affirming that, efforts were made to trace out the documents seized during the course of search conducted on 14.11.2000. However, the said documents are not traceable. It is further stated that a Committee was also constituted to find out the status of the record. The Committee has since submitted its report indicating that no such documents are now available in the record room.

3. In view of the above, it is not disputed that the records seized from the premises of the petitioner have since been misplaced/lost by the respondents. In this view, the relief as prayed for by the petitioner cannot be granted. It would be open for the petitioner to approach the relevant authorities for reconstruction of the said records. It is clarified that in case the said records are found by the respondents at a future date, the respondents shall ensure that the same are returned to the petitioner.

4. The petition is disposed of.

VIBHU BAKHRU, J

DECEMBER 20, 2018
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