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

+ **W.P.(CRL) 2509/2017**

VIJAY CHAUHAN & ORS

..... Petitioner

Represented by: Mr. Shanul Kadian, Adv.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
Mr. Sanjay Lao, ASC with
Inspector Afsar Raza, PS
EOW.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
26.02.2018

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1. By this petition the six petitioners before this Court seek direction to the respondent No. 1 and 2 to carry out a proper investigation in case FIR No.189/2016 under Sections 406/420/120B IPC registered at PS Economic Offences Wing, Mandir Marg, New Delhi.

2. Case of the petitioner is that despite registration of the FIR till date no action has been taken and thus directions be issued to the respondent No.1 and 2 to expedite the investigation and take necessary action against the accused in the FIR.

3. As per the status report the above-noted FIR was registered on the complaint of Manish Sehrawat and others against Builder/ company namely

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M/s. ECNON Residency Buildcon Pvt. Ltd. having its registered office at 129, DLF Galleria Mall, Mayur Vihar, Phase-I, District Centre, Delhi. The modus-operandi of the accused was that they took money from small investors/ victims on the pretext of providing residential flats/ units in their proposed project in the name of ECNON King's Court at Sector-22D, Yamuna Expressway, Greater Noida (U.P.). The victims were also assured a return of 24% annual return by their Buy-back scheme. The case of the prosecution as has been found in the investigation is that despite the investors/ victims having invested the money in the project for two years neither the project started nor the victims were paid the assured annual return of 24% per annum.

4. Learned APP for the State on instructions from the investigating officer, Inspector Afsar Raza, submits that till now 31 victims have come forth and statements of 25 victims have since been recorded. As per the statements of the victims the accused have refused to pay the amount to them. During the course of investigation it has also been revealed that no allotment of land was done in favour of M/s. ECNON Residency Buildcon Pvt. Ltd. in respect of land at Sector-22D, Yamuna Expressway, Greater Noida. Even as per list of Builder Township Plots, name of ECNON Group did not reveal as an entity to whom allotment was made.

5. Neeraj Sharma and Ritu Kappor, the Directors of the company have since been examined who stated that their project is at soft-launch stage which fact was made known to the investors/ buyers and some of the investors have also invested in the company through expression of interest. They further stated that one of the founding Director of the company namely

Kushal Rathi has taken away ₹3 crores and siphoned away the same, resulting in losses to the company.

6. Be that as it may, the investigation is in progress. Accounts in two of the company's bank have been frozen, however there is hardly any amount found in the two accounts. Learned APP for the State on instructions from the investigating officer states that since number of victims are involved in the FIR, action in accordance with law will be taken however investigation will take some time.

7. Without expressing any further opinion in the matter at this stage, it is hoped and expected that the respondent No.1 and 2 will bring to the logical conclusion the investigation in the above-noted FIR in accordance with law expeditiously.

8. Petition is accordingly disposed of.

MUKTA GUPTA, J.

FEBRUARY 26, 2018
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