

BDP-SPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL PUBLIC INTEREST LITIGATION NO.10 OF 2019

Ketan Tirodkar	 Petitioner
Versus	
Enforcement Directorate & Ors	Respondents.

**ALONGWITH
CRIMINAL APPLICATION NO.2 OF 2019
IN
CRIMINAL PUBLIC INTEREST LITIGATION NO.10 OF 2019**

Ketan Tirodkar	 Petitioner
Versus	
The Enforcement Directorate & Ors	Respondents.

Ms. Aparna Vhatkar, Advocate for the Petitioner/Applicant.
Mr. H.S. Venegavkar, Advocate for Respondent No.1-ED.
Ms. Sumandevi R. Yadav I/b Mr. Suresh Kumar, Advocate for Respondent No.2.
Ms. Anusha Amin I/b Mr. Sandesh D. Patil, Advocate for Respondent No.3.
Mr. Amit Desai, Senior Counsel, Mr. Birendra Saraf, Mr. Gopal Shenoy, Mr. C.D. Patel, Mr. Pawan Mali, Mr. Ketan Dave and Ms. Swati Jain, I/b A.S. Dayal and Associates, Advocates for the Intervenor.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 12th FEBRUARY, 2019

P.C.:-

1] Petitioner has approached this Court, seeking the following reliefs:-

A] Respondents 1, 2 & 3 be directed to launch a joint probe into the “Business” of registering 1000s of “shell-entities” at one common address without any business activity; exchanging gifts worth thousands of crores, with common directors-cum-auditors; common email addresses and then amalgamating them by increasing share capital; thereby laundering the ill-gotten wealth;

B] This Hon'ble Court may be pleased to monitor the progress of the joint-probe periodically so that to keep the morale of the agencies high & upright;

C] Any other such relief:”

2] Initially, in this matter, this Court had permitted the Petitioner to make a complaint/representation to the Enforcement Directorate – Respondent No.3. Respondent No.3 was directed to apply its mind to the facts stated in the complaint/representation and to take decision as to whether it intends to proceed on the basis of the said complaint if a *prima facie* case is made out. However, subsequently, Criminal Application No.11 of 2018 for intervention came to be filed on behalf of Reliance Industries Ltd. for recalling the orders passed by this Court issuing the aforesaid directions.

3] It was argued on behalf of the intervenor that, though, *prima facie*, Petition gives an impression that it is an innocuous Petition, seeking inquiry into various deeds of various Companies, in effect, the averments made in the Petition were directly related to the Reliance Group of Companies and Mr. Mukesh Ambani. It was urged on behalf of the Intervenor that on the basis of the order passed by this Court, possibility of an impression being gathered in the mind of the authority that this Court is *prima facie* satisfied with the allegations, cannot be ruled out. It was therefore submitted that the orders which

have been passed by this Court behind the back of the Intervenor and the said Mr. Mukesh Ambani, need to be recalled. After hearing the parties, we have allowed the Criminal Application No.11 of 2018 for intervention and recalling of the orders vide our order dated 5/10/2018.

4] Now, the Petitioner has come with an Application, seeking to implead one Mr. Mukesh Ambani as party-respondent. It could be seen from the record that this Court has already permitted the intervention of the Reliance Industries by the said order dated 5/10/2018.

5] We are of the considered view that the present PIL is nothing else but an attempt to make a roving inquiry into the affairs of certain companies. It has to be noted that the Hon'ble Supreme Court in the case of *Centre for Public Interest Litigation vs. Union of India and Others*¹ has considered the similar allegations which are made in the present Petition and after examining the matter, found no substance in the allegations made therein. In any case, the statutory authorities

¹ (2016) 6 SCC 408

under the Companies Act have been empowered to consider all these issues. It is neither the case of the Petitioner nor allegation that the statutory authorities under the Companies Act have not performed their duties impartially or properly.

6] In that view of the matter, we find that the PIL which seeks roving and fishing inquiry, cannot be said to be in the public interest.

7] PIL is therefore rejected and stands disposed of.

8] Since the PIL itself is rejected and disposed of, nothing survives in the Criminal Application No.2 of 2019 taken out therein and the same is also disposed of.

(N. J. JAMADAR, J.)

(B. R. GAVAI, J.)