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

+ W.P.(CRL) 2684/2018

MANJU CHOUBEY & ORS

..... Petitioners

Through: Mr B. Badrinath with Mr Karan
Sharma, Advocates.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Sanjay Lao, ASC for State with
Mr Karanjeet Rai Sharma, Advocate
with Inspector Sanjeev Dhodi, EOW.
Mr Amit Mahajan, CGSC for R-3 and
4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.09.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the investigation relating to FIR 0190/2016 under Section 409/420/120B of the IPC registered with PS Economic Offences Wing be transferred to the Central Bureau of Investigation.
2. The petitioner also prays that directions be issued to respondent no.4 (Enforcement Directorate) to register an ECIR under the provisions of Prevention of Money Laundering Act, 2002 in connection with the above FIR and investigate the matter in accordance with law.
3. The petitioners (twenty-eight in number) allege that they were induced by Horizon Concepts Pvt. Ltd. to invest their money for acquiring residential flats. It is alleged that necessary permissions to construct the said

flats were not available and disclosures to this effect were not made. The petitioners also alleged that certain officials of the State Bank of India had also colluded with the accused, inasmuch as, they had represented that the project was an approved project whereas the land earmarked for the said project was in a belt.

4. There is no dispute that the project in question was being developed by the concerned companies. It is reported that four towers have been constructed and two others are in a semi-constructed state.

5. It is also reported that the land on which the project was constructed belongs to Kaveri Sahkari Awas Samiti. The said society had entered into a collaboration agreement with M/s Horizon Buildcon Pvt. Ltd. for construction of the flats whereby M/s Horizon Buildcon Pvt. Ltd. acquired 64% of the built-up property. It is stated that Horizon Concepts Pvt. Ltd. was a special purpose vehicle for booking the flats being constructed by the Horizon Group (M/s Horizon Buildcon Pvt. Ltd.).

6. It does appear from the above that the principal grievance of the petitioner is that certain representations, on the basis of which they had invested for acquiring immovable property, were not true. It is also their case that certain information, which was ought to have been disclosed, was withheld. More particularly, pending litigation prior to the investment had been concealed.

7. This Court does not consider it apposite to direct transfer of the investigation as it does not appear that the disputes warrant such directions. This Court is also informed that a chargesheet is likely to be filed within a

period of two months.

8. Insofar as the petitioner's contention that an ECIR be directed to be registered under the provisions of the Prevention of Money Laundering Act, 2002; there is no requirement for multiple agencies to commence multiple proceedings. This Court is not inclined to issue any such directions. It is always open for the concerned authorities to initiate any such action if otherwise permissible in law.

9. The petition is dismissed with the aforesaid observations.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019
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