

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2732 OF 2021

Rajeev Mannadiar S/o Shankar Mannadiar ..Petitioner
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Niranjan Mundargi a/w. Mr. Amir Arsiwala a/w. Abdullah
Qureshi for Petitioner.
Mr. J. P. Yagnik, APP for State/Respondent.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.
DATE : 26 NOVEMBER 2021

P.C. :

. Heard the learned counsel for the parties. On 26 October
2021 following order was passed:

“ *Heard the learned counsel for the parties.*

2. *The petitioner is a Liquidator appointed by National Company Law Tribunal in respect of the properties of M/s. Kamla Real Estate Hub Private Limited. The grievance of the petitioner that the officers of Respondent No.2 Economic Offences Wing are needlessly calling the Petitioner to disclose certain information which he is not obliged to share under law.*

3. *The learned APP representing the Economic Offences Wing states that the Petitioner is only asked to share certain information which will aid the*

investigation in light of the complaint received from Respondent No.3 Co-operative Society.

4. The learned counsel for the Petitioner and the learned APP for the State agreed that the issue can be resolved if the Petitioner is informed in advance the list of documents or the areas where his clarification is required and the Petitioner can then attend the office of Respondent No.2 with such information. If the Petitioner cannot share certain information under any provision of law, it is open for the Petitioner to point out with reference to specific provision of law.

5. According to us, this interaction will suffice for the purpose of this Writ Petition. To enable the parties to take steps as above, hearing of this Petition is deferred till 26 November 2021. To be listed under the caption : “For direction”

2. The learned counsel for the Petitioner contends that the Petitioner is being asked various questions which the Petitioner is not in a position to answer. The learned APP state on instructions that the submission that the Petitioner is being asked various questions is not correct and there is only one query that raised for which the Petitioner has stated that, he will take necessary permission from the National Company Law Tribunal (NCLT) where the matter is pending and will submit a valuation report.

3. We have been shown a statement of the Petitioner recorded on 23 November 2021. The learned APP, on instructions, restricted the query to be asked to the petitioner to the second

paragraph thereof which is the difference in the measurement of Shop No.8, Ground floor and Showroom Shop Nos.5 to 17. The measurements given in the advertisement i.e. from 6087.68 Sq.ft. and 8290.67 Sq.ft.

4. In view of this, a statement made by the learned APP that only this question being asked to the Petitioner and that the Petitioner has stated that he will take necessary permission from the NCLT and will submit a report, we do not deem it necessary to go into other issues raised, as dispute before us now is restricted only to this aspect.

5. The learned counsel for the Petitioner also accepts that the Investigating officer is not issuing any threats nor any F.I.R. is registered against the Petitioner. The learned APP also states that the Petitioner is only called upon to assist the inquiry and the Investigating Officer is fully aware that the Petitioner is appointed as a Liquidator by the NCLT.

6. In view of this consensus at the bar, no further orders are required.

7. The Writ Petition is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)