

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1505 OF 2019****Mehul Choksi****.....Applicant****Versus****1. State of Maharashtra,****2. Enforcement Directorate, Mumbai****.... Respondents****.....****WITH****INTERIM APPLICATION NO.2733 OF 2021****IN****CRIMINAL APPLICATION NO.1505 OF 2019****.....****WITH****INTERIM APPLICATION NO.2736 OF 2021****IN****CRIMINAL APPLICATION NO.1505 OF 2019****-----**

Mr. Vijay Aggarwal, Advocate a/w. Rahul Agarwal, Yash Agrawal, Abhiraj Rai, Jasmin Purani, Rohit Kaul, Yashwardhan Tiwari for the Applicant.

Mr. A.R. Patil, APP for the Respondent No.1-State.

Mr. H.S. Venegavkar, Special PP. a/w. Aayush Kedia for the Respondent No.2.

-----**CORAM : SARANG V. KOTWAL, J.****RESERVED ON : 08th SEPTEMBER, 2023****PRONOUNCED ON: 21st SEPTEMBER, 2023**

ORDER:

1. Heard Shri Vijay Aggarwal, learned counsel for the Applicant in both Applications, Shri A.R. Patil, learned APP for the Respondent No.1-State and Shri H.S. Venegavkar, learned Special PP for the Respondent No.2.

2. The Applicant has challenged the order dated 30.8.2019 passed by the learned Special Judge, Greater Bombay below Exhibit-55 in Criminal M.A. No. 997/2018. Said application was filed by the Applicant before the learned Special Judge for directions to dismiss the application preferred under Section 4 of the Fugitive Economic Offenders Act 2018 (hereinafter referred to as the "FEO Act"). The learned Special Judge directed that the matter would proceed further for hearing of the arguments of learned counsel for the respondent before him (i.e the Applicant herein) and thereafter for rejoinder by learned SPP for the Applicant before him (the Respondent No2 in the present

application before this Court) on the main application under Section 4 of FEO Act.

3. The brief background of the case is mentioned in the present application as follows:

- i. An FIR No.RC02(E)/2018 was registered with BS & FC (CBI) Mumbai on 15.2.2018 under section 120-B read with 420 of IPC and under section 13 (2) read with 13(1)(d) of the Prevention of Corruption Act 1988. Pursuant to the FIR, the charge sheet was filed by the CBI before the learned Special CBI Judge on 15.5.2018. The learned judge took cognizance against the Applicant and the other accused on 22.5.2018. It was registered as Special CBI Case No.38/2018 and is pending before the Special Judge for CBI, Sessions Court, Greater Bombay. In pursuance to the registration of the FIR by the CBI, The Enforcement Directorate (for short, 'ED') registered Enforcement Case Information Report [ECIR] No. MBZO-I/04/2018. The ED filed a complaint under section 45 of the Prevention of

Money Laundering Act, 2002 (for short, 'PML Act') before the Special PMLA Court. That court took cognizance on 3.7.2018 against the Applicant and the other accused and the case is pending before that court at the stage of appearance.

- ii. On 10.7.2018, the ED filed an application under section 4 read with Section 12 of the Fugitive Economic Offenders Ordinance, 2018 praying that the Applicant be declared as a fugitive economic offender and his properties be confiscated under FEO Act.
- iii. The Applicant filed an application before the learned Special Judge praying for dismissal of the application filed under the FEO Act on the ground that the application under section 4 of the FEO Act was not accompanied by an affidavit as contemplated under section 297 of Cr.P.C.. This application was filed below Exhibit-55 which was rejected by the impugned order and hence the present application is filed.

SUBMISSIONS ON BEHALF OF THE APPLICANT :

4. Learned counsel Shri Aggarwal appearing for the Applicant relied on various provisions of the FEO Act, the Code of Criminal Procedure 1973 and the PML Act. He made the following submissions:

- i. Section 16 of the FEO Act puts the burden on the Director or the authorized person to establish that an individual is a fugitive economic offender or that the property in question was the proceeds of crime or any other property in which the individual, alleged to be an economic offender, has an interest. He therefore submitted that the averments in the application are important and they have to be supported by a proper affidavit. In the present case, the verification clause below the application under section 4 of the FEO Act is not proper. The requirements of section 297 of Cr.P.C. and the provisions of the Criminal Manual issued by the Bombay High Court for the guidance of the criminal courts are not complied with and hence the application was not maintainable.

- ii. There are various averments in the application filed by the Deputy Director of ED which were not true and could not be true. Therefore, it was necessary that the application was supported by an affidavit so that the person who filed the application was bound by the averments in the application. As an example of one of the false statements, learned counsel referred to paragraph-9.5 of the said application, wherein it was mentioned that the Applicant had left the country under suspicious circumstances in the first week of January 2018, whereas the FIR was filed in February 2018 against him and the Applicant could not have imagined about the future registration of the FIR. He also disputed the averment that the Applicant was the prime conspirator and that he was the mastermind behind the scam. He submitted that all these averments were required to be supported by a proper affidavit. He submitted that this application is decided under the procedure mentioned in the FEO Act, which mainly depends on the averments in the

application and therefore filing of this application in proper form was very important. Therefore, it was all the more necessary that the application was supported by an affidavit adhering to the necessary ingredients of section 297 of Cr.P.C., which is mandatory in nature as it uses the word 'shall'. He submitted that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all. The other methods of performance are necessarily forbidden. In support of this contention, he relied on a Division Bench judgment of this Court in the case of **Euro School Education Trust vs. Divisional Fee Regulatory Committee, Pune and others**¹

- iii. He submitted that Sub-section (2) of Section 4 of Cr.P.C. provides that all offences under any law, other than IPC, shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions of Cr.P.C., but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring

1 2017 SCC OnLine Bom 7766

into, trying or otherwise dealing with such offences. He laid emphasis on Section 5 of Cr.P.C., which mentions that nothing contained in Cr.P.C., in the absence of a specific provision to the contrary, shall affect any special or local law or any special form of procedure prescribed by any other law. He submitted that unless there was inconsistency between the FEO Act and Cr.P.C., it cannot be said that the provisions of Cr.P.C., and in particular section 297 of Cr.P.C. were not applicable. According to Shri Aggarwal, there was no inconsistency between FEO Act and Cr.P.C. in respect of these provisions.

- iv. His next submission was that, under section 21 of FEO Act it was mentioned that the provisions of the said Act shall have effect notwithstanding anything inconsistent therewith contained in any other law. Therefore, since there was no inconsistency with Cr.P.C., this overriding effect did not affect the provisions of Cr.P.C. He submitted that section 22 of FEO Act makes the position more clear as it is mentioned that the provisions of FEO Act shall be

in addition to and not in derogation of any other law. Therefore, according to Shri Aggarwal, the provisions of the FEO Act will have to be read in addition to the provisions of Cr.PC..

- v. Shri Aggarwal referred to Rule 3 of the Declaration of Fugitive Economic Offender (Forms And Manner of Filing Application) Rules 2018 (hereinafter referred to as 'FEO Rules'). He submitted that this Rule will have to be read with Section 297 of Cr.PC.. In support of this submission, he relied on the judgment of a Single Judge Bench of this court in the case of **M/s. Jaimin Jewellery Exports Pvt. Ltd. and others Vs. The State of Maharashtra and another**². In the said judgment, reference was made to paragraphs-3 to 5 of Chapter VII of the Criminal Manual.

. It was observed in paragraph-47 of the said judgment that filing of an affidavit is not an empty formality. The mandate is that the affidavit should clearly

2 Decided on 14.3.2017 passed in Criminal Revision Application No.432/2015 (Bombay High Court)

state what portion of the statement is made on the declarant's knowledge and what portion of statement is made on his information and belief. When a particular portion is not within the declarant's own knowledge, but is based on the information obtained from others or is based on documents, the declarant should disclose the source of the information or his belief.

. It was further observed that, in that case the verification clause did not disclose that the knowledge of that particular witness was based on records and he had not disclosed the source of information as required in paragraph-5(3)of Chapter VII of Criminal Manual.

. Shri Aggarwal relied on the judgment of a Single Judge of the High Court of Punjab and Haryana in the case of **Santokh Singh and Sokha Vs. The State of Punjab**³ which has taken a similar view.

vi. Shri Aggarwal then criticised the impugned order. In that order, a reference was made to **Jaimin's** case (supra), but,

³ Decided on 4.12.2002 in Criminal Revision No.883/1989 (High Court of Punjab & Haryana)

according to Shri Aggarwal, it was not given its due importance by the learned judge. It was held that the provisions of FEO Act had overriding effect and therefore the application was to proceed for hearing. Having observed thus, the learned Judge further reasoned that even if the provisions of section 297 of Cr.P.C. were taken into consideration, the deponent had stated that the contents were true and correct to the best of his knowledge derived from the records. According to Shri Aggarwal, these two reasons were contrary to each other. He submitted that learned Judge either could have held that section 297 of Cr.P.C. is not applicable or could have held that the requirement of section 297 Cr.P.C. were complied with. But his observations are contradictory to each other and therefore the order is not based on sound reasoning. He submitted that the learned judge has not dealt with the provisions of the Criminal Manual though argument was advanced in that behalf and it was referred to in **Jaimin's** case (supra), and therefore the matter

should be remanded back to him for passing a proper order. In support of this contention he relied on the observations of the Hon'ble Supreme Court in the case of **Jitendra Kumar Vs. State of Bihar**⁴. In paragraph-9 of the said order, the Hon'ble Supreme Court has observed that there was no reasoning on the submissions urged by the learned counsel for the parties and therefore the order passed by the High Court was not proper.

In the same context, he relied on the judgment of a Division Bench of this court in the case of **Yogesh Waman Athavale Vs. Vikram Abasaheb Jadhav**⁵.

- vii. His last submission was that this was an important issue which should have been decided as the preliminary issue because it goes to the root of the jurisdiction of the court to entertain such application as it was not supported by a proper affidavit. In support of this submission, he relied on the judgment of the Hon'ble Supreme Court in the case

⁴ Decided by the Hon'ble Supreme Court dated 10.5.2019 in Criminal Appeal No.8/2019.

⁵ Decided on 11.2.2020 in Contempt Petition No.127/2019 (Bombay High Court)

of State through Central Bureau of Investigation, New Delhi
Vs. Jitender Kumar Singh⁶

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.2 :

5. In response to these submissions, Shri Venegavkar made the following submissions:

- i. The FEO Act was enacted for a specific purpose. It was mainly deterrent in nature and was not punitive. He submitted that the proceedings can be dropped if the Applicant appears before the court. Section 4 of FEO Act lays down the form of application which is elaborated in Rule 3 of the FEO Rules. Section 11 prescribes the procedure. He submitted that if there is no procedure prescribed in the Special Act at all, then only the provisions of Cr.P.C. would apply. But when there is a special procedure prescribed under the Special Act, the procedure under Cr.P.C. cannot be looked at. The special procedure and in particular Rule

6 (2014) 11 SCC 724

3 of the FEO Rules are complied with. His most important submission was that under the FEO Act or Rules, there was no provision or requirement for filing an affidavit at all and therefore all the submissions made by learned counsel for the Applicant had no relevance. He submitted that **Jaimin's** case (supra) actually supports the Respondent No.2's case. In that case, it was observed that the verification clause did not disclose that knowledge of the concerned witness was based on records, whereas in the present case, the verification clause specifically mentions that knowledge of the Applicant filing the said application under Section 4 of the FEO Act was based on records. Thus, in fact, the observations in **Jaimin's** case (supra) helps the Respondent No.2's case that the procedure was properly followed.

- ii. He submitted that section 4 of FEO Act refers to the reason to believe, for which the Director or the Deputy Director has to rely on the material in his possession

that any individual is a fugitive economic offender. He can file an application in such form and manner as prescribed. In the present case, the application itself refers to the statement of reasons to believe that the Applicant was a fugitive economic offender, as specifically mentioned in paragraph-9 of the application. Therefore the question of belief is clearly answered in the application itself.

- iii. Shri Venegavkar submitted that there was nothing wrong with the reasoning given by the learned Special Judge. He took into consideration the alternate arguments and gave his reasons with reference to section 297 of Cr.PC..

REJOINDER ON BEHALF OF THE APPLICANT :

- 6. In rejoinder to the submissions of Shri Venegavkar , Shri Aggarwal further submitted that in all the applications which are filed in all the courts, an affidavit is necessary. As per the definition of ‘evidence’ under section 3 of the Evidence Act, this application is an ‘evidence’, and as per the special procedure with

reference to this particular application, it was necessary that it was affirmed with proper verification.

REASONS :

7. Before referring to the facts in the present case, it is necessary to reproduce certain provisions which are referred to by both the learned Counsel repeatedly:

. Sections 5 & 297 of Cr.P.C. :

“ 5. Saving. – Nothing contained in this Code shall, in the absence of a specific provision to the contrary, affect any special or local law for the time being in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.”

“297. Authorities before whom affidavits may be sworn.--- (1) Affidavits to be used before any Court under this Code may be sworn or affirmed before---

- (a) any Judge or any Judicial or Executive Magistrate, or
- (b) any Commissioner of Oaths appointed by a High Court or Court of Session, or
- (c) any notary appointed under the Notaries Act, 1952 (53 of 1952).

(2) Affidavits shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable ground to believe to be true, and in the

latter case, the deponent shall clearly state the grounds of such belief.

(3) The Court may order any scandalous and irrelevant matter in the affidavit to be struck out or amended.”

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. Clauses 4 & 5 of Chapter VII of the Criminal Manual :

“4. Unless it is otherwise provided, an affidavit may be made by any person having knowledge of the facts deposed to.

5. (1) Every affidavit should clearly specify what portion of the statement is made on the declarant’s knowledge and what portion of the statement is made on his information or belief.

(2) When a particular portion is not within the declarant's own knowledge but it is stated from information obtained from others, the declarant must use the expression "I am informed" and if it is made on belief should add "I verily believe it to be true." He must also state the source or ground of the information or belief, and give the name and address of, and sufficiently described for the purpose of identification, the person or persons from whom he had received such information.

(3) When the statement rests on facts disclosed in documents or copies of documents procured from any Court or other person, the declarant shall state the source from which they were procured and his information, or belief, as to the truth of the facts disclosed in such documents.”

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. Sections 4, 11, 12, 16, 21 and 22 of the FEO Act :

“4. Application for declaration of fugitive economic offender and procedure therefor. (1) Where the Director or any other officer not below the rank of Deputy Director

authorised by the Director for the purposes of this section, has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that any individual is a fugitive economic offender, he may file an application in such form and manner as may be prescribed in the Special Court that such individual may be declared as a fugitive economic offender.

(2) The application referred to in sub-section (1) shall contain—

- (a) reasons for the belief that an individual is a fugitive economic offender;
- (b) any information available as to the whereabouts of the fugitive economic offender;
- (c) a list of properties or the value of such properties believed to be the proceeds of crime, including any such property outside India for which confiscation is sought;
- (d) a list of properties or *benami* properties owned by the individual in India or abroad for which confiscation is sought; and
- (e) a list of persons who may have an interest in any of the properties listed under clauses (c) and (d).

(3) The Authorities appointed for the purposes of the Prevention of Money-laundering Act, 2002 (15 of 2003) shall be the Authorities for the purposes of this Act.

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11. Procedure for hearing application. (1) Where any individual to whom notice has been issued under sub-section (1) of section 10 appears in person at the place and time specified in the notice, the Special Court may terminate the proceedings under this Act.

(2) Where any individual to whom notice has been issued under sub-section (1) of section 10 fails to appear at the place and time specified in the notice, but enters appearance through counsel, the Special Court may in its

discretion give a period of one week to file a reply to the application under section 4.

(3) Where any individual to whom notice has been issued under sub-section (1) of section 10 fails to enter appearance either in person or through counsel, and the Special Court is satisfied—

- (a) that service of notice has been effected on such party; or
- (b) that notice could not be served in spite of best efforts because such individual has evaded service of notice,

it may, after recording reasons in writing, proceed to hear the application.

(4) The Special Court may also give any person to whom notice has been issued under sub-section (2) of section 10 a period of one week to file a reply to the application under section 4.

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“12. Declaration of fugitive economic offender. (1) After hearing the application under section 4, if the Special Court is satisfied that an individual is a fugitive economic offender, it may, by an order, declare the individual as a fugitive economic offender for reasons to be recorded in writing.

(2) On a declaration under sub-section (1), the Special Court may order that any of the following properties stand confiscated to the Central Government—

- (a) the proceeds of crime in India or abroad, whether or not such property is owned by the fugitive economic offender; and
- (b) any other property or *benami* property in India or abroad, owned by the fugitive economic offender.

(3) The confiscation order of the Special Court shall, to the extent possible, identify the properties in India or abroad that constitute proceeds of crime which are to be confiscated and in case such properties cannot be identified, quantify the value of the proceeds of crime.

(4) The confiscation order of the Special Court shall separately list any other property owned by the fugitive economic offender in India which is to be confiscated.

(5) Where the Special Court has made an order for confiscation of any property under sub-section (2), and such property is in a contracting State, the Special Court may issue a letter of request to a Court or authority in the contracting State for execution of such order.

(6) Every letter of request to be transmitted to a contracting State under sub-section (5) shall be transmitted in such form and manner as the Central Government may, by notification, specify in this behalf.

(7) The Special Court may, while making the confiscation order, exempt from confiscation any property which is a proceed of crime in which any other person, other than the fugitive economic offender, has an interest if it is satisfied that such interest was acquired *bona fide* and without knowledge of the fact that the property was proceeds of crime.

(8) All the rights and title in the confiscated property shall, from the date of the confiscation order, vest in the Central Government, free from all encumbrances.

(9) Where on the conclusion of the proceedings, the Special Court finds that the individual is not a fugitive economic offender, the Special Court shall order release of property or record attached or seized under this Act to the person entitled to receive it.

(10) Where an order releasing the property has been made by the Special Court under sub-section (9), the Director or any other officer authorised by him in this behalf may withhold the release of any such property or record for a period of ninety days from the date of receipt of such order, if he is of the opinion that such property is relevant for the appeal proceedings under this Act.

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16. Rules of evidence. (1) The burden of proof for establishing—

- (a) that an individual is a fugitive economic offender;
or
- (b) that a property is the proceeds of crime or any other property in which the individual alleged to be a fugitive economic offender has an interest, shall be on the Director or the person authorised by the Director to file the application under section 4.

(2) Notwithstanding anything contained in any other law for the time being in force, where any person referred to in sub-section (2) of section 10 claims that any interest in any property was acquired *bona fide* and without knowledge of the fact that, such property constitutes proceeds of crime, the burden of proving such fact shall lie upon him.

(3) The standard of proof applicable to the determination of facts by the Special Court under this Act shall be preponderance of probabilities.

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21. Overriding effect. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

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22. Application of other laws not barred. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.”

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.Rule 3 of the FEO Rules reads thus :

“3. Form and manner of application for declaring an individual as a fugitive economic offender.—(1) The Director or the authorised officer, as the case may be, shall prepare an index containing the following materials, namely:-

- (i) a copy of a warrant of arrest in relation to prosecution of a Scheduled Offence against the individual believed to be a fugitive economic offender issued by any Court in India;
- (ii) a statement of reasons to believe that an individual is a fugitive economic offender;
- (iii) a statement on any information available as to the whereabouts of the individual believed to be a fugitive economic offender;
- (iv) any proof of effort undertaken to bring the individual believed to be a fugitive economic offender back to India;
- (v) a list of properties or value of such properties believed to be the proceeds of crime, including any such property outside India for which confiscation is sought;
- (vi) a list of properties or benami property owned by the individual believed to be a fugitive economic offender in India or abroad for which confiscation is sought;
- (vii) a copy of a confiscation order issued by the Adjudicating Authority under the Prohibition of Benami Property Transactions Act, 1988, if any;
- (viii) a list of persons who may have an interest in any of the properties listed under clauses (v) and (vi).

(2) The index and material prepared under sub-rule (1) shall be signed on each page and forwarded to the Special Court in a sealed envelope, indicating a reference number and date of despatch.

(3) The Director or the authorised officer, as the case may be, shall maintain registers and other records such as acknowledgement slip register and dak register and shall ensure that necessary entries are made in the register immediately as soon as a copy of the application along with the materials are forwarded to the Special Court.”

8. The verification clause below the application preferred under Section 4 of the FEO Act is as follows :

“VERIFICATION

I, Kapil Raj, S/o. Mr. Om Singh, Deputy Director of Directorate of Enforcement, Mumbai Zonal Office, Government of India, Ministry of Finance, Department of Revenue, Mumbai, having its office at 4th Floor, “Kaiser-I-Hind”, Currimbhoy Road, Ballard Estate, Mumbai-400001, the applicant herein above do hereby solemnly affirm and state that whatever is stated in the preceding paragraphs of the above application is true and correct to the best of my knowledge derived from record.”

. The Deputy Director is very specific about his knowledge and it is mentioned in the verification that whatever was stated in the said application was true and correct to the best of his knowledge derived from the records. Section 297 of Cr.PC. mentions that the deponent making the affidavit shall separately state such facts as he was able to prove from his own knowledge and such facts as he has reasonable ground to believe to be true, and in the case of his belief, he has to state the grounds of such belief. In the present case, the verification mentions that the application is filed to the best of the deponent’s knowledge derived

from the records. He has nowhere stated that he was filing the application based on his own knowledge, but it was based on his knowledge derived from the records. Therefore, there cannot be any infirmity in this type of verification wherein the application is filed based on the records which the deponent had perused and he believed it to be true to the best of his knowledge. This also sufficiently complies with the requirement of clauses 4 & 5 of the Criminal Manual. The entire application was based on the facts derived from the records. There were no different categories which could be restricted to his own knowledge or to his belief. He has given source of his knowledge as the records. Therefore, even the source was properly disclosed. Therefore, there is nothing wrong with the verification.

9. Though Shri Aggarwal found fault with the consideration of alternate arguments, as rightly submitted by Shri Venegavkar, the Special Court could consider the alternate arguments, and I do not see any infirmity in that behalf.

10. I also find substance in the submissions of Shri Venegavkar that the required format of the application was complied with by the Respondent No.2 herein. Section 4 of FEO Act refers to an application in such form and manner as may be prescribed. This form and manner is prescribed under Rule 3 of the FEO Rules, which are reproduced hereinabove. I find that the application is filed in the format laid down in the said Rule 3. Therefore, there is sufficient compliance with the requirement of Section 4 of the FEO Act.

11. Therefore, accepting the arguments of Shri Aggarwal that a thing which is directed to be done in a particular way has to be done in that way only, in the present case, I find that the application is properly filed under Section 4 of FEO Act.

12. As rightly submitted by Shri Venegavkar, when special procedure is provided under the Special Act, i.e. the FEO Act in this case, this procedure will have to be followed, and in this case the said procedure has been followed. Section 5 of Cr.P.C. gives more clarity to this issue. Section 5 of Cr.P.C. provides that nothing

contained in the Cr.P.C., in the absence of specific provision to the contrary, affect any special law or any special form of procedure prescribed by any other law. Thus, the procedure prescribed under FEO Act is not affected by the provisions of Cr.P.C..

13. In fact, Section 21 of the FEO Act gives an overriding effect to the FEO Act and therefore even as per Section 5 of Cr.P.C. and also as per Section 21 of the FEO Act, the special procedure prescribed under the FEO Act will not get affected by any provision under Cr.P.C..

14. In this context, the preamble of the Act is significant. It states that this is an Act to provide for measures to deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law in India and for matters connected therewith or incidental thereto. Therefore, section 4 of the FEO Act and Rule 3 of the FEO Rules are made to further the objective of this Act and they cannot be bypassed by taking recourse to the

other provisions of Cr.P.C. to contend that the affidavit was not proper.

15. Looking at all these aspects of this matter, firstly I do not find any infirmity in the verification and even otherwise I find that all the requirements under Section 4 of the FEO Act and under Rule 3 of the FEO Rules are properly complied with in this case. Therefore, I do not see any reason to interfere with the impugned order and hence the application is rejected. The interim relief stands vacated. In view of disposal of the main Application, nothing survives in the pending Interim Applications and same are also disposed of.

(SARANG V. KOTWAL, J.)

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