

\$~50 to 52

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

+ CRL.M.C. 3149/2022, CRL.M.A. 13294/2022, CRL.M.A. 1349/2023

VIJAY AGRAWAL

..... Petitioner

Through: Mr. Siddharth Agarwal, Sr. Adv. with
Mr. Arjun Dewan and Mr. Pranav
Sethi, Advs.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, counsel for ED
with Mr. Vivek Gurnani, Ms. Sejal
Aneja, Advs and Mr. Rajendra Singh,
IO

51

+ CRL.M.C. 3161/2022 & Crl. M.A.13319/2022 & 1185/2023.

BIMAL KUMAR JAIN

..... Petitioner

Through: Mr. Naveen Malhotra and Mr. Ritvik
Malhotra, Advs.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, counsel for ED
with Mr. Vivek Gurnani, Ms. Sejal
Aneja, Advs and Mr. Rajendra Singh,
IO

52

+ CRL.M.C. 3183/2022 & Crl. M.A.13409/2022 & 1194/2023

NARESH JAIN

..... Petitioner

Through: Mr. Naveen Malhotra and Mr. Ritvik Malhotra, Advs.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, counsel for ED with Mr. Vivek Gurnani, Ms. Sejal Aneja, Advs and Mr. Rajendra Singh, IO

%

Date of Decision: 19th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Sh. Siddharth Agarwal, learned Senior counsel for the petitioner in item No.50 i.e. CRL.M.C. 3149/2022 and Mr. Naveen Malhotra, learned counsel for the petitioner in item No. 51 and 52 i.e. CRL.M.C. 3161/2022 and CRL.M.C. 3183/2022 state that without going into the merits of the case, it is stated at Bar, that the learned Trial Court passed the order dated 05.07.2022 without giving them an opportunity of being heard.
2. Sh. Siddharth Agarwal, learned Senior counsel and Mr. Naveen Malhotra, learned counsel for the petitioner state that they are ready to

file an affidavit to this regard.

3. Sh. Arjun Deewan, learned counsel submits that in fact, no arguments were advanced on the merits of the case and the arguments were being heard only on the question as to whether the unrelayed documents are to be supplied or not and on remaining questions there was no conclusive arguments. Learned counsel submits that they would be satisfied if the matter is remanded back to the learned Trial Court for affording them an opportunity of being heard on all the questions that have been framed by the learned Trial Court as recorded in para 13 of the impugned order.
4. Sh. Siddharth Agarwal, learned Senior counsel for the petitioner submits that rather he would be advancing his arguments only on question No. 2, 4 and merits of the case.
5. Mr. Zoheb Hossain, learned counsel for the E.D. has opposed the petitions. Learned counsel for the E.D. submits that the petitioners were given ample opportunity to argue on all questions and learned Trial Court has passed the order on the basis of the submissions made by the parties.
6. Without going into the merits of the case, since Mr. Siddharth Agarwal, learned Senior counsel for the petitioner and Mr. Naveen Malhotra, learned counsel for the petitioner have made a statement at Bar that in fact they were not given sufficient opportunity of being heard, the matter be remanded back to the learned Trial Court. The impugned order dated 05.07.2022 is set aside.

7. Learned Trial Court is directed to afford the petitioners and the department a fresh opportunity of being heard on the question of supply of unrelayed documents as well as on the question of framing charge on merits. However, the petitioners shall not be allowed to take any adjournments on this. Learned Trial Court shall fix two dates for arguments on charge and earnestly, make an endeavor to proceed with the matter as expeditiously as possible. However, nothing expressed herein shall tantamount to be any expression on merits of the case as this Court has not gone into the same.
8. It be also noted that this order will not prejudice any other proceedings and shall also not be taken as a precedent.
9. In view of the above, the present petitions stand disposed of.
10. Order *dasti*.

DINESH KUMAR SHARMA, J

JANUARY 19, 2023

Pallavi..