

06 **24.12.**
2024

Ct. No. 08

Ab

MAT 2351 of 2024
IA No. CAN 1 of 2024

Deltatech Gaming Limited
Vs.
Union of India and others.

Mr. J. P. Khaitan,
Mr. Debnath Ghosh,
Mr. Rajendra Barot,
Mr. Suresh Varanasi,
Mr. Dhiraj Kumar Totala,
Mr. Sanjay Ginodia,
Mr, Sagnik Chatterjee,
Ms. Harsha Uppal,
Ms. Gunjan Pande,
Mr. Ajay Ray,
Mr. Rohan Satiya,
Ms. Mini Agarwal.

... for the appellant.

Mr. Ranjan Kumar Sinha,
Ms. Smita Das De.

... for the Union of India.

Mr. Anirban Ray,
Mr. Md. T, M, Siddiqui,
Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal.

... for the State.

Mr. Tapan Bhanja.

... for the respondent nos. 5 & 6.

The writ petition filed by the appellant was disposed of by the Single Bench on the day when the motion was moved primarily on the ground that the sensitive information gathered during the investigation in relation to a financial transaction and interaction with the other entities cannot be disclosed upon relying a judgment of the Supreme Court in **T. Takana vs. Securities and Exchange Board of India**, reported in **(2022) 8 SCC 162**.

Mr. J. P. Khaitan, learned Senior Advocate appearing on behalf of the appellant, vociferously

submits that the Single Bench has misunderstood the purport of the claim and proceeded on the basis that a sensitive information is sought by the appellant and thereby committing an error in disposing of the writ petition.

According to Mr. Khaitan, the intelligence report formed on the basis of investigation was sought to be disclosed before the adjudicating authority proceeded with the matter and the sensitive information, if any, contained in the said report may be redacted.

Repelling the aforesaid contention, the learned Advocate for the respondent authorities submits that there is no investigation report ever prepared in relation to the transaction and, therefore, there is no point in giving such report to the petitioner.

Mr. Khaitan draws our attention to the submissions made before the Single Bench on behalf of the respondent authorities that the appellant is, in fact, demanding for the interdepartmental intelligence report, which cannot be handed over as it contains a source of information, which may impact a third party interest. He drew our attention to the submission made before the Single Bench that according to the respondents, the show-cause notice is itself an investigation report and, therefore, is comprehensive and self-contained document.

The judgment of the Division Bench of the Bombay High Court is relied upon by the appellant having passed in identical and similar circumstances in relation to one of its holding company where the Division Bench directed the authorities to submit the investigation report after redacting the portion, which contains the sensitive information and the source of such information.

We do not find any findings returned by the Single Bench on the law enunciated in the judgment of

the Bombay High Court in case of **Delta Corp. Limited vs. Union of India**, reported in **2024 SCC OnLine Bombay 804**, but according to Mr. Khaitan, the Single Bench refused to accept such proposition of law as the judgment of the other High Courts is of persuasive value and not binding.

In relation to a central legislation, there should be an uniformity in the decision throughout the country, as an inconsistent decision, if operate simultaneously, would put the assessee or the beneficiary of the said Act into dwindle and it would also bring an uncertainty into the steps to be taken by the authorities under the said Act stationed at different corners of the country. Even if the judgment of the other Court has no binding force yet has a persuasive value and certainty in law is the hallmark of dispensation of justice.

Be that as it may, we had an occasion to peruse the judgment rendered in the said report and we find that there was an investigation report prepared by the authority, which contained the other information as well as the sensitive information. The Division Bench of the Bombay High Court was of the view that the authorities cannot deny a valuable right in providing the said report, which forms the basis of opinion arrived at by the authorities and the action to be founded thereupon.

However, the Division Bench carved out an exception that while giving such report, the sensitive information should be redacted as it has a cascading effect on the interest of the country.

In our opinion, the moment the Advocate for the respondent authorities submits, on instruction having taken in the midst of hearing of the instant appeal, that there is no investigation report ever prepared, we feel that the point so urged becomes mere academic. Since there is no investigation report prepared by the

authorities, question of non-submission does not arise. We, thus, do not find any grounds warranting interference with the impugned order. The appeal and the connected application being CAN 1 of 2024 are disposed of.

We are given to understand that yesterday was the date fixed by the adjudicating authority. We, therefore, request the adjudicating authority to fix a date, which should not exceed beyond six days from the date of communication of this order and shall make endeavour to dispose of the proceeding as expeditiously as possible preferably within the statutory period provided therefor.

The parties before us shall not indulge in prolongation of the said proceeding and shall cooperate with the officer of the adjudicating authority to bring in its logical conclusion.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)