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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5954/2023 & CM APPLs. 23421/2023, 24381/2023,
24401/2023, 24522/2023, 32509/2023, 41900/2023, 41895/2023,
41898/2023, 65199/2023 & 65753/2023
BRINDCO SALES PVT. LTD & ANR. Petitioners

Through: Mr. Tanveer Ahmad Mir, Ms. Simran
Brar, Mr. Vedanta Varma, Ms. Kiran
Devrani, Mr. Swastik Dalai, Mr.
Shaswat Sareen, Ms. Ariana
Ahluwalia, Advs.

versus

GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Santosh Kr. Tripathi, Standing
Counsel for GNCTD with Mr. Arun
Panwar, Mr. Pradyumn Rao, Ms.
Nikita Vir, Mr. Rishabh Srivastava,
Mr. Utkarsh Singh, Mr. Kartik Rawat
and Ms. Prashansa Sharma,
Advocates for R-1.
Mr. Zoheb Hossain, Special Counsel
for ED with Mr. Vivek Gurnani, Mr.
Kartik Sabharwal, Mr. Kanishk
Maurya and Mr. Vivek Gaurav,
Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
04.01.2024

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1. The present Writ Petition has been filed with the following prayers:

*“(a) to declare as being false and incorrect the
impugned Letter bearing number No.*



F.9(74)/EX./ESTT./2019-20/PF-III/1601- 1602 dated 23.09.2022 issued by the Respondent no. 1 to the Respondent no.2;

(b) to quash and set aside impugned Letter bearing number No. F.9(74)/EX./ESTT./2019-20/PF-III/1601-1602 23.09.2022 issued by the Respondent no. 1 to the Respondent No.2 ;

(c) to pass any necessary consequential relief(s) following as a necessary sequitur from prayer (a) and (b) including to quash and set aside the statement/declaration made by Respondent no. 2 in the 3rd Supplementary Complaint dated 27.04.2023 declaring the 'proceeds of crime' of Rs. 186.98 crores qua the Petitioners, as being based solely on the false and incorrect impugned letter dated 23.09.2022 or any other consequence emanating from the impugned letter;

(d) Pass any such order or direction as may be necessary in the present case.”

2. When it was pointed out to the learned Counsel for the Petitioner that the principal challenge in the present Writ Petition is against a communication from the GNCTD to the Directorate of Enforcement which is in response to the summons dated 20.09.2022, issued by the ED and, therefore, the Writ Petition may not be maintainable, the learned Counsel for the Petitioner, without making any elaborate arguments, seeks permission to withdraw the present Writ Petition with liberty to challenge the consequential action taken by the ED.
3. Leave and liberty, as sought for, are granted.
4. Liberty is also granted to the Petitioner to challenge the Order dated



07.06.2023, passed by the Deputy Commissioner of Excise Licensing Authority, in accordance with law.

5. With the aforesaid liberties, the Writ Petition is disposed of as withdrawn. Pending applications also stand disposed of.

SUBRAMONIUM PRASAD, J

JANUARY 4, 2024

Rahul