IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 476 OF 2024

West Coast Enterprises Pvt Ltd .. Appellant

Versus

State of Maharashtra, through Unit No. VII EOW. .. Respondent

...

Mr. Aniket Nikam i/b Amit Ichan for the appellant.
Mr. S.R. Agarkar, APP for the State.

CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ
DATED : 10th NOVEMBER, 2025

P.C:-

1 The appellant West Coast Enterprises Limited, is aggrieved by the communication addressed by the EOW to its Director as well as the HDFC Bank in reference to the summons issued under Section 91 and 160 of the Code of Criminal Procedure in EOW C.R.No.14/2018 which invoke Sections 409, 420, 120-B of the Indian Penal Code and Section 3, 4 of the Maharashtra Protection of Interest of Depositors (MPID) Act, 1999.

The HDFC Bank received a communication from EOW dated 22/3/2018 directing freezing of any financial investment held under a particular PAN number belonging to Omprakash Basantlal Goenka and directing it to provide attested KYC documents and soft copies of account statements from the date of the account till date.

Based on this communication, the Bank retrieved the records and referred to six bank accounts which connected them with Omprakash Basantlal Goenka and one of these accounts is “01037630001101”.

2 On this account being attached, the appellant’s sister concern of Citrus Check Inns Ltd, (CCIL) alleged to be a shell company of Mr.Omprakash Goenka sought de-freezing of the account with the HDFC Bank. This application was duly considered by the Designated Court under the MPID Act in form of Miscellaneous Application No. 124/2022 and by order dated 11/4/2023, the application came to be rejected. The contention of the appellant before the Special Court that Omprakash Goenka was Director of CCIL and therefore, his PAN number was attached to the account of the appellants, which is its sister concern, but since he resigned six years ago, as has under the orders of the Apex Court, the entire properties of Omprakash Goenka are already attached, there was no necessity of freezing the account of the appellant. This contention was strongly opposed by EOW, by stating that the matter is under investigation and Mr.Omprakash Goenka, the main accused was arrested in the crime in the year 2018 which reveal that the Financial Establishment RTSCL and CCIL, have

accepted the deposits and the figure was enormous i.e. Rs. 8852 crores and it was pointed out that this amount which was received by way of deposit was diverted in bank account of various sister concerns and therefore, the Apex Court had directed a Forensic Audit Report to be conducted, which has disclosed the necessary details. Specifically submitting that there is a connect of the account which has been frozen and in the wake of the order of the Apex Court, on 12/2/2019, when the application filed by the State of Maharashtra was considered, we have noted that the Apex Court has passed the following order:-

> *"The State of Maharashtra has filed an affidavit dated 20/9/2018 in which it has indicated that the properties which are attached and proposed to be attached under the MPID Act, 1999. It is made clear that all attachments together with the proposed attachment will be subject to attachments would be subject to the order dated 10/5/2018. Valuation and Sale Monitoring Committee set up by this Court may be of such properties".*

3 In the wake of the above, since the Apex Court is already seized of the matter with the Cell Monitoring Committee is taking requisite steps for recovery of the amount and under the directions of the Apex Court, it has also the involvement of the Resolution Professional. In the wake of the report of the Audit prepared by M/s. Deloitte which has already identified with components of the larger MIRAH group with the involvement of various other companies.

Since the impugned order has taken into consideration this background and it is noted that at this stage, it may not be advisable to de-freeze the said account, as IT came to be attached as part of the investigation and the Court has refused to entertain the said application.

Finding no legal infirmity in the same, the impugned order is upheld. The Appeal is dismissed.

(SHYAM C. CHANDAK,J) **(BHARATI DANGRE, J.)**

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