

CC No. 296/2019 (Old CC No. 78/16 & 06/14)
RC No. 219 2012 E 0013
Branch: CBI/EO-I/New Delhi
CBI Vs. M/s. Grace Industries Ltd. & Ors.
U/s. 120-B/409/420 IPC & U/s 13 (1) (c)/13 (1) (d) P.C. Act, 1988

26.08.2020

Matter taken up today in compliance of Office Order No. Power/Gaz./RADC/2020/E-8959-9029 dated 16.08.2020 and also in continuation to orders No.819-903/DJ/RADC/2020 dated 16.05.2020, No. E1792-1876/DJ/RADC/2020 dated 22.05.2020, No. E-2574-2639/DJ/RADC/2020 dated 29.05.2020, No. E-3943-4029/DJ/RADC/2020 dated 13.06.2020, No. E-4121-4205/DJ/RADC/2020 dated 15.06.2020 and No. Power/Gaz./RADC/2020/E-5577-5661 Dated 29.06.2020, Power/Gaz./RADC/2020/E-6836-6919 Dated 14.07.2020 and Power/Gaz./RADC/2020/E-7784-7871 dated 30.07.2020 of Ld. District & Sessions Judge-Cum-Spl. Judge (PC ACT) (CBI) Rouse Avenue District Court, New Delhi.

The present matter is being taken up today through video conferencing as regular functioning of the Courts at District Courts has been suspended since 23.03.2020 vide office orders of Hon'ble High Court of Delhi bearing Nos. 373/Estt./E1/DHC dated 23.03.2020, No.159/RG/DHC/2020 dated 25.03.2020, No.R-77/RG/DHC/2020 dated 15.04.2020, No. R-159/RG/DHC/2020 dated 02.05.2020, No. R-235/RG/DHC/2020 dated 16.05.2020, R-305 /RG/DHC/2020 dated 21.05.2020, No.1347/DHC/2020 dated 29.05.2020, No.17/DHC/2020 dated 13.06.2020, No.22/DHC/2020 dated 29.06.2020, No. 24/DHC/2020 dated 13.07.2020, No. 26 /DHC/2020 dated 30.07.2020 and No. 322/RG/DHC/2020 Dated: 15.08.2020.

The hearing of the present matter is being taken up via Cisco WebEx Platform in the presence (onscreen) of:

**Present: Ld. DLA Sh. Sanjay Kumar, Ld. Senior PP Sh. A.P. Singh,
Ld. DLA Sh. V.K. Sharma for CBI.**

**Advocate Akshay Nagrajan for Ld. Special P.P. Sh. R.S.
Cheema.**

IO Inspector Jitender Sharma is present.

None for A-1 M/s Grace Industries Ltd.

**Ld. Counsel Sh. K.K. Patra for A-2 Mukesh Gupta and A-3
Smt. Seema Gupta.**

**Ld. Counsel Sh. Rahul Tyagi for A-4 H.C. Gupta and A-5 K.S.
Kropha.**

**Ld. Counsel Ms. Prerna Mehta for A-6 Vishwas
Sawakhande.**

Reader Sh. K.S. Rawat has informed that the following application has been received on behalf of A-6 Vishwas Sawakhande alongwith

its reply filed by prosecution via email:

I. APPLICATION DATED 10.08.2020 ON BEHALF OF THE ACCUSED NO. 6 UNDER SECTION 294 CRPC FOR ADMISSION/DENIAL OF THE DOCUMENTS

The present application has been moved by Ld. Counsel Ms. Prerna Mehta on behalf of A-6 Vishwash Sawakande stating that certain documents i.e. **one document File No. MMN 1006/C.R.2132/IND-9, and the GoM, its letter No. MMN 1006/C.R.2132/IND-9, dated 15th June, 2007 recommending the cases of M/s UltraTech Cements and other applicants from the State for consideration during 35th/36th SC meetings. (D-243)**, were inadvertently left out to be annexed with her earlier application u/s 294 Cr. PC. Ld. Counsel further submitted that now prosecution may further carry out admission/denial of documents u/s 294 Cr. PC as the part of the said file is already available on record along with the English Translation and now A-6 is filing the scanned copy of complete file as were made available to him under the Right to Information Act. She is also placing on record the English Translation of the file.

Reply to the aforesaid application has been filed by IO Insp. Jitendra Sharma stating that the new documents filed with the present application have no relevance with the trial of the present case as the present case relates to 34th Screening Committee in respect of M/s Grace Industries Ltd. whereas, the documents filed with the present application relates to 35th / 36th Screening Committee in respect of M/s Ultra Tech Cement and Others. It has also been stated that the description of the documents mentioned in Annexures-A & B attached with application dated 18.03.2020 were different from the documents mentioned in the list of documents attached with the application dated 18.03.2020.

Ld. DLA Sh. Sanjay Kumar however submitted that he has already strongly opposed the earlier application as well as the present application u/s 294 Cr. PC of Ld. Counsel Ms. Prerna Mehta.

I have heard Ld. DLA Sh. Sanjay Kumar and Ld. Counsel Ms. Prerna Metha for A-6 Vishwas Sawakhande.

In view of the objections/counter objections raised, I deem it

appropriate that as the undersigned is supposed to carry out physical hearing of the matters on 01.09.2020, as per the tentative roster prepared in Rouse Avenue District Courts, so the matter be now listed on 01.09.2020 at 10 AM for physical hearing.

Ld. Counsels for other accused persons have requested that since no proceedings qua their clients or pertaining to them have to be undertaken so they may be exempted for 01.09.2020. Ld. Counsels state that prior to the date of hearing they will move appropriate application in this regard and will send it on the official email ID of the Court.

Heard. Allowed.

Matter be now put up on 01.09.2020 at 10 AM for physical hearing.

A digitally signed copy of this order is being sent to Sh. Mukesh JJA, Computer Branch, RADC via WhatsApp for uploading it on the official website of Delhi District Courts.

A copy of order is being retained, to be placed in the judicial file as and when normal functioning of the courts is resumed.

The present order has been dictated on phone to Steno Hukam Chand.

**(Bharat Parashar)
Special Judge, (PC Act)
(CBI), Court No. 608
Rouse Avenue Court
New Delhi
26.08.2020**