

CC No. : 01/2015
ECR No. : DLZO/15/2014/AD(VM)
U/S : 3 & 4 of PMLA Act
Directorate of Enforcement Vs. Gautam Khaitan & Ors.

29.06.2020 (11.15 am)

Matter is taken up today and the proceedings are conducted through Video Conferencing (Cisco webex) as per directions of Hon'ble High Court issued vide Circular No.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present: Sh. N.K. Matta, Ld. SPP for ED.
Sh. P.K.Dubey, Sh. Madhav Khurana and Ms. Aarushi,
Ld. Counsels for accused no. 1, Gautam Khaitan.

Ld. Counsel for applicant/accused Gautam Khaitan submitted that he has filed an application for placing on record two renewed confirmation slips of FDRs already furnished in this court by one of the surety namely Ravi Khaitan bearing account nos. 50300075329184 and 50300075328626 of Rs. 5 Lacs each.

The confirmation slips have been filed. Same shall be taken on record.

The application of accused Gautma Khaitan stands disposed of.



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Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi

Ld. Counsel for accused Gautam Khaitan submitted that he has filed a Vakalatnama through email.

Same shall be taken on record.

Ld. Counsel for accused also submitted that he has filed an application seeking necessary directions against the ED.

Copy of application has already been sent to Ld. Counsel for ED who submits that he will file reply to the said application.

Put up on the date fixed i.e, 23.10.2020 for reply/arguments on the said application.

Signed scanned copy of this order is being sent through whatsapp to Ahlmad of this Court with direction to send the same to concerned official of District Court, RADDC for uploading on official website of Delhi District Court.

The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New Delhi is resumed.



(Arvind Kumar)
Special Judge CBI-10
Rouse Avenue Courts
New Delhi/29.06.2020

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
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Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
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29.06.2020 (11.30 am)

Matter is taken up today and the proceedings are conducted through Video Conferencing (Cisco webex) as per directions of Hon'ble High Court issued vide Circular No.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present: Sh. N.K. Matta, Ld. SPP for ED.
Sh. Avnish Dhingra, Ld. Counsel for Income Tax Department.

Ld. Counsel for Income Tax Department has filed an application for direction to the ED to supply copy of statement of Sh. Paireen Khan recorded U/S 164 CrPC.

Ld. Counsel for the ED submitted that he needs some time to seek instructions.

Put up on 30.06.2020 at 10.30 am for reply/arguments on the aforesaid application.



Signed scanned copy of this order is being sent through whatsapp to the official of this Court with direction to send the same to concerned official of District Court, RADC for uploading on official website of Delhi District Court.

The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New

Delhi is resumed.



(Arvind Kumar)
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Rouse Avenue Courts
New Delhi/29.06.2020

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi



RC No. : 217-2013-A-0003
Branch : CBI/AC-II/New Delhi
U/S : 120B, r/w 420 IPC and Section
7, 8, 9, 12 & 13(2) r/w 13(1) (d) of
P.C. Act, 1988
CBI Vs. S.P. Tyagi & Ors.

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi

29.06.2020 (11.00 am)

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Present : Sh. Manu Mishra, Ld. Counsel for CBI.
Sh. P.K.Dubey, Sh. Madhav Khurana and Ms. Aarushi,
Ld. Counsels for accused no. 4, Gautam Khaitan.

Ld. Counsel for accused Gautam Khaitan submits that he has filed an application U/s 207 CrPC for supplying deficient copies. Ld. Counsel for accused submitted that he has also filed a Vakalatnama. Ld. Counsel for accused submits that his application may be taken up on next date of hearing.

Under the facts and circumstances, the application of accused be taken up on 23.10.2020. CBI shall file reply to the said application on or before the next date with advance copy to Ld. Counsel for accused.



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The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New Delhi is resumed.



(Arvind Kumar)
Special Judge CBI-10
Rouse Avenue Courts
New Delhi/29.06.2020

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi



CC No : 05/2012
RC No : DAI-2010-A-0042
U/S : 120B, 420, 468, 471 IPC and
13(2) r/w 13(1)(d) of P.C. Act, 1988
Branch : CBI/ACB/New Delhi
CBI Vs. T.S. Darbari & Ors.

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi

29.06.2020 (10.30 am)

Matter is taken up today and the proceedings are conducted through Video Conferencing (Cisco webex) as per directions of Hon'ble High Court issued vide Circular No.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present: Sh. V.K.Ohja, Ld. Sr. PP for CBI.
Sh. Arvind Chaudhary, Ld. Counsel for applicant/
accused no. 2 Sanjay Mohindroo.

Reply filed by CBI through email.

I have heard Ld. Counsel for the parties.

Ld. Counsel for applicant/accused no. 2. Sanjay Mohindroo submits that accused no. 2 had gone to Oman on an assignment but is presently struck up there due to worldwide Covid-19 pandemic and is unable to return to India as no flights to or from Oman are permitted. Ld. Counsel for accused submits that the applicant/accused may be permitted to stay at Oman and other countries and places as per permission granted vide order dated 20.12.2019 for further six months.

Ld. Counsel for applicant/accused no. 2 submitted that applicant has



roots in the society and is permanent resident of India and his family is residing in India. It is also submitted that there is no likelihood of accused fleeing from justice or interrupt legal proceedings.

On the other hand Ld. Counsel for CBI submitted that flights from Oman to South India are available and further domestic flights from South India to Delhi are also available, hence, applicant/accused may return to India. It is further submitted by Ld. Counsel for applicant/accused that there is no valid ground for allowing the application filed by applicant/accused. During arguments Ld. Counsel for CBI also submitted that if the applicant/accused is to be allowed to further stay abroad, high security may be taken.

I have gone through the material on record.

Vide order dated 20.12.2019, applicant/accused no. 2, Sanjay Mohindroo was permitted to travel to Bahrain, Oman, Kuwait, Qatar, Saudi Arabia, United Arab Emirates, Turkey Egypt, Ukraine, Myanmar, Thailand, Indonesia, Philippines and Thailand for a period of six months subject to conditions as mentioned in the said order.

Keeping in view the facts and circumstances, the applicant/accused is allowed to stay abroad/ visit the aforesaid countries for further three months subject to the conditions as mentioned in the order dated 20.12.2019, as applicable as on date.



The application filed by applicant/accused no 2, Sanjay Mohindroo is disposed of.

Copy of the order be send to Ld. Counsel for applicant/accused

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no. 2.

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(Arvind Kumar)
Special Judge CBI-10
Rouse Avenue Courts
New Delhi/29.06.2020

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi

ECIR : HQ/03/2017

Directorate of Enforcement Vs. C.C.Thampi

29.06.2020 (11.00 am)

Matter is taken up today and the proceedings are conducted through Video Conferencing (Cisco webex) as per directions of Hon'ble High Court issued vide Circular No.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present : Sh. N.K.Matta, Ld. SPP for Enforcement Directorate.
Sh. Mahesh Gupta, DD for ED.
Sh. Vikas Walia and Sh. Dinesh Mathew J .Murikaran, Ld.
Counsels for the applicant/accused C.C.Thampi.

The applicant/accused C. C.Thampi has filed an application for urgent hearing.

The matter has already been heard. Thus the application of applicant/accused stands disposed of.

Vide separate order, the application of applicant/accused C.C. Thampi seeking permission to travel abroad is allowed.

Ld. Counsel for accused submits that FDR of Rs. 25 Lacs is already on record.

Reader shall send copy of the order to Ld. Counsel for accused C.C.Thampi through whatsapp/email.



Signed scanned copy of this order is being sent through whatsapp to Ahlmad of this Court with direction to send the same to concerned official of District Court, RADC for uploading on official website of Delhi District

Court.

Sh. ARVIND KUMAR
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The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New Delhi is resumed.



(Arvind Kumar)
Special Judge (PC Act), CBI-10
Rouse Avenue Court
New Delhi/29.06.2020

Special Judge (PC Act) CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg, New Delhi

IN THE COURT OF SH. ARVIND KUMAR; SPECIAL JUDGE
CBI-10: ROUSE AVENUE COURTS: NEW DELHI

ECIR : HQ/03/2017

Directorate of Enforcement Vs. C.C.Thampi

29.06.2020

ORDER

1. Vide this order I shall dispose of an application U/S 439 (1) (b) CrPC filed by applicant/accused C.C.Thampi for modification in the condition no. 4 of bail granted vide order dated 29.01.2020 and permission to travel abroad.

2. I have heard Sh. Raju Ramachandran, Ld. Sr. Counsel for applicant/accused C.C.Thampi, Sh. Amit Mahajan, Ld. Central Government Standing Counsel and Sh. N.K. Matta, Ld. SPP for Enforcement Directorate.

3. Ld. Sr. Counsel for applicant/accused C.C.Thampi submits that applicant/accused is a senior citizen and a Non Resident Indian since 1980 and his wife and children are residing in UAE. It is further submitted that applicant is doing business in Hospitality and Trading. The accused is the



Arvind Kumar

Page no. 1

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
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partner of Al Khaleej Tyres Retreading Factory LLC and 13 other Companies employing more than 1200 employees. It is further submitted that his family is in UAE requiring his support to face the situation arising out of the Covid-19 pandemic and further employees of the Company of the applicant/accused are also facing financial difficulties due to the Covid-19 pandemic. It is submitted that applicant/accused need to go to Dubai to tackle the financial difficulties which his company is facing due to the prevailing circumstances. It is also submitted that he has also to address the issue raised by Labour Department of UAE. It is submitted that the landlords of the leased premises in which the hotel, resorts, restaurants etc .of the applicant are functioning have raised demand with respect to lease amount. It is also submitted that the applicant need to be in UAE for a minimum period of eight months in a year in order to maintain the status of a Non Resident India.

4. Ld. Counsel for applicant/accused also submitted that applicant has joined investigation as and when called and has cooperated during investigation. It is further submitted that Enforcement Directorate has asked for certain bank records which are more than ten years old and if the applicant is allowed to travel to UAE, he will try to find out the records demanded by ED. Ld. Sr. Counsel further submitted that the accused has prayed for permission to travel abroad and is not seeking modification in the order dated 29.01.2020. Ld. Counsel for applicant/accused submitted that applicant may be permitted to travel abroad in prevailing circumstances at least for three months.



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5. On the other hand, Ld. Counsel for Enforcement Directorate submits that no detail of business to be attended by the applicant is given in the application nor any supporting documents has been placed on record. It is further submitted that earlier the applicant/accused was allowed to travel abroad for renewal of his VISA, however, this time he has no ground for permission to travel abroad. It is also submitted that applicant has not cooperated in the investigation and has failed to give details asked by the Enforcement Directorate. It is submitted that ED asked for bank details from the applicant on 18.02.2020 and 19.02.2020 and same has not been supplied till date. Ld. Counsel for ED also submitted that there is likelihood that applicant/accused may influence the witness, tamper with evidence and hamper further investigation. It is submitted that applicant may abscond and may flee from justice since he is residing in UAE. It is also submitted that Letter Rogatory issued by this Court is pending with the UAE Authorities and the applicant/accused may hamper the further investigation.

6. I have gone through the material on record.

7. Allegations against the accused are that he had committed an offence of money laundering and facilitated co-accused Sanjay Bhandari and Robert Vadra in transfer of property no. 12, Bryanston Square, Ellerton House, London which, in fact, was beneficially owned by Robert Vadra.

8. Accused is a Non-Resident Indian residing in Dubai since 1980 and is having his business in hospitality and has admittedly joined investigation on 17.06.2019 in response to summon issued to him by the



Arvind Kumar

Page no. 3

SH. ARVIND KUMAR
Special Judge (PC Act), CBI-10
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Enforcement Directorate and thereafter he has appeared before Enforcement Directorate on 15 occasions from 17.06.2019 to 17.01.2020 and was interrogated by the Enforcement Directorate. He has visited Enforcement Directorate's office as and when called by Enforcement Directorate during this period. Recovery of documents have already been effected from other accused persons also. The accused has joined investigation voluntarily and had come from Dubai to India in response to the summons issued by Enforcement Directorate. The conduct of the accused does not show that he avoided investigation or tried to flee from justice. The accused is ready to join investigation as and when called.

9. There is nothing on record to show that accused has tampered with evidence or had influenced any witness. Further it is clear that the case of the Enforcement Directorate is based on documentary evidence and substantial documents have already been seized by the ED.

10. The accused intends to visit UAE to attend his business which has suffered because of Covid-19 pandemic and to look after his wife and children who are in UAE. The applicant/accused is the partner in Al Khaleej Tyres Retreading Factory LLC and 13 other Companies employing more than 1200 employees and he is to watch the interest of the employees also.

11. The accused has substantial assets in India. He is stated to be owner of commercial complex and immovable properties in India besides being trustee in a trust running Engineering College.

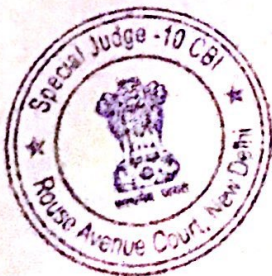


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12. Thus considering the overall facts and circumstances, the applicant/accused C.C.Thampi is allowed to travel abroad to UAE for a period of three months subject to the following conditions:-

- (a) Applicant will submit the address of his stay in abroad with telephone/contact numbers to the court, with advance copy to the ED, before his departure.
- (b) Applicant shall furnish additional FDR or bank guarantee for a sum of Rs. 25 Lacs in his name.
- (c) He shall inform the Court about his arrival in India within 24 hours.
- (d) He shall not tamper with the evidence nor try to influence any witness in any manner and shall not use the permission granted to him contrary to the rules.
- (e) The accused shall join the investigation with ED within 15 days, if so directed by ED officials.
- (f) This permission shall be subject to other applicable rules and will not be deemed as directions to any other authority except the permission from the side of the court.
- (g) The applicant shall file complete copy of his passport along with the copy of Visa in the court on his return from UAE .
- (h) In case any of the above conditions are violated, the bank guarantee/FDR will be forfeited to the State.



[Handwritten Signature]


Page no. 5

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
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13. The application filed by applicant/accused C.C.Thampi is accordingly disposed of.
14. LOC issued against applicant/accused C.C.Thampi shall remain suspended/withdrawn till September, 2020.
15. Copy of this Order be sent to FRRO, 2, East Block VII, Level-V, R. K. Puram, New Delhi and Immigration Department.

Copy of the order be given dasti to Ld. Counsel for the applicant/accused and to Ld. Counsel for Enforcement Directorate.

Announced in the open court
on 29.06.2020


(Arvind Kumar)
Special Judge CBI-10
Rouse Avenue Courts
New Delhi



Special Judge (PC Act) CBI-10
Room No. 503, Rouse Avenue Court Complex,
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