

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

CC No : 48/2019
RC No. : 01/DZCR/2019
Branch : Central Region Delhi Zone
U/S : 3 & 4 of PMLA Act
ED Vs. Gautam Khaitan & Ors.

20.07.2020

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.24/DHC/2020 dated 13.07.2020 in view of the pandemic Covid-19.

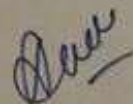
Present : Sh. N.K.Matta, Ld. SPP for ED.

Ld. Counsel for ED submits that he has filed an application for issuing Letter of Request for serving summons on accused who is based abroad and as per guidelines issued by Ministry of Home Affairs the Letter of Request need to accompany with the summons. Ld. Counsel for ED submits that he will be sending the format in which the Letter of Request is to be issued.

Letter of Request in the given format be issued.

The application is accordingly disposed of.

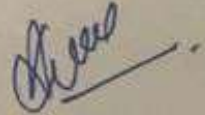
Signed copy of this order is being sent through whatsapp to Filmad of this Court with direction to send the same to concerned official of District Court, RADC for uploading on official website of Delhi District



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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/17.07.2020

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Special Judge (PC Act), CBI-10
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MISC. application no. 249/2019
ED Vs. Sanjay Bhandari & Ors.

20.07.2020

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. 24/DHC/2020 dated 13.07.2020 in view of the pandemic Covid-19.

Present: Sh. Amit Mahajan, Ld. Central Government Standing Counsel for ED.
Sh. N.K.Matta, Ld. SPP for ED.
Sh. Mahesh Gupta, DD for ED
Sh. Avnish Arputham, Ld. Counsel for accused.
Sanjay Bhandari.
Sh. Abhaid Parikh, Ld. Counsel for non applicant no. 10,
Sonia Bhandari and non applicant no. 11, Ayushi Bhandari.
None for non applicant no. 16, NIHO Realtors (India) Pvt. Ltd.
Sh. Yusuf, Ld. Counsel for non applicants no. 1 to 7, 13 and 14.
None for non applicants no. 8, 9, 12 and 15.

Ld. Counsel for ED submits that Non-Applicants No. 8, 9, 12 and 15 have already been served.



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Ld. Counsel for ED submits that ED has already filed rejoinder to the reply filed by accused Sanjay Bhandari and copies have been supplied to Ld. Counsel for accused and to Ld. Counsel for non applicants.

Ld. Counsel for ED also submits that ED needs some time to file rejoinder to the replies filed by other non applicants.

Sh. Yusuf, Ld. Counsel for non applicants no. 1 to 7, 13 and 14 submits that there was some communication gap due to which he could not appear on the last date of hearing. He submits that notice was issued to Sh. Amit Arora, Advocate may be discharged.

Notice is discharged.

Ld. Counsel for non applicants no. 1 to 7, 13 and 14 submits that some pages of application supplied to him are not legible.

Ld. Counsel for ED submits that he will be providing another copy to Ld. Counsel for non applicants no. 1 to 7, 13 and 14 and he will also be providing hard copy of the application to Ld. Counsel for non applicants no. 1 to 7, 13 and 14 and Ld. Counsel for non applicants no. 1 to 7, 13 and 14 may be directed to supply his address. Ld. Counsel for non applicants no. 1 to 7, 13 and 14 submits that he will be providing his address to ED during the course of the day.

Let the reply be filed by Ld. Counsel for non applicants no. 1 to 7, 13 and 14 after receipt of copy of complaint and ED shall file rejoinder to the reply.



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Sh. Amit Mahajan, Ld. Central Government Standing Counsel submits that Hon'ble High Court has directed that no coercive action be taken till next date of hearing, however, has clearly observed that pendency of proceedings before Hon'ble High Court shall not be an embargo to the proceedings being conducted by Trial Court. He submits that ED has sought mainly two reliefs i.e, declaring accused Sanjay Bhandari as a fugitive economic offender and for confiscation of properties of Sanjay Bhandari and non applicants. Ld. Counsel submits that matter may be fixed for arguments on the point of declaring accused Sanjay Bhandari as fugitive economic offender and only after declaring the accused a fugitive economic offender, this court can consider the consequent relief of confiscation of properties of accused and non applicants.

On the other hand Sh. Avnish Arputham, Ld. Counsel for accused Sanjay Bhandari submits that Firstly pleadings qua non applicants may be got completed and arguments on both the reliefs sought by ED may be heard simultaneously and the court should not hear arguments in piecemeal. Ld. Counsel for the accused also submitted that this court should not proceed with the matter as the proceedings before the Hon'ble High Court are pending.

I have heard Ld. Counsel for ED and Ld. Counsel for accused.

The ED has filed present application ^{ED} seeking mainly two reliefs, declaring accused Sanjay Bhandari a fugitive economic offender and for confiscation of his properties and the properties of the interested persons (non applicants). It is clear from the perusal of the different provisions of Fugitive Economic offenders Act, 2018, that this Court has to deal firstly the issue whether accused can be declared fugitive economic offender and based on the order on this issue, hearing on the issue of confiscation of properties of



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accused and other interested persons/ parties would be needed, if so required.


It is noted that Hon'ble High Court has observed in its order dated 24.02.2020 that pendency of the proceedings before Hon'ble High Court are not an embargo to the proceedings being conducted by the Trial Court. Hon'ble High Court has directed that no coercive action be taken till next date of hearing. It is clear that Hon'ble High Court has not stayed the proceedings pending before this Court and has only directed that no coercive action be taken. Thus, this court can proceed to hear arguments on the first issue whether accused Sanjay Bhandari can be declared as fugitive economic offenders^{for} as the same, cannot be said to be taking any coercive action against accused or non applicants.

Therefore, matter is adjourned to 24.08.2020 for arguments on first issue whether accused Sanjay Bhandari can be declared fugitive economic offender.

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(Arvind Kumar)
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Rouse Avenue Courts
New Delhi 20.07.2020

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