

Sh. ARVIND KUMAR
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

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.

01.07.2020

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.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present: Sh. N. K. Matta, Ld. SPP for Enforcement Directorate.

1 Vide this order I shall dispose of an application filed by Enforcement Directorate for issuance of Supplementary Letter of Request under Section 57 of the Prevention of Money Laundering Act, 2002 for collection of evidence from the Government of United States of America.

2 Ld. Counsel for the Enforcement Directorate submitted that ED is conducting investigation under the PMLA, 2002 in the allegation of huge amount of bribes/kickbacks to various persons/entities by M/s Agusta Westland in securing a contract for supply of 12 VVIP Helicopters from Ministry of Defence, government of India.

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Ld. Counsel for Enforcement Directorate further submitted that



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certain evidence is lying in USA which is relevant in this case. Ld. Counsel for the ED further submitted that certain information is required from Google LLC, Yahoo.com etc. and details of the property situated at One 57, West, 57, Street, New York, USA is also required.

4 I have gone through the material on record.

5 Considering the material on record and the submissions made by Ld. SPP for ED, I am of the considered opinion that this is a fit case for issuance of Letter Rogatory /Letter of Request to the Competent Authorities in USA seeking assistance in investigation of the present case. Thus a letter Rogatory/Letter of Request, addressed to Competent Authority, be issued.

7 Accordingly, the application is disposed of.

8 The original LR be handed over to ED for necessary action. IO is directed to submit the copy of LR in the Court. The ED shall place on record copy of the application and documents as and when the normal functioning of the court resumes.

Copy of this order be given dasti to Ld. PP for ED.

Signed copy of this order is being sent through whatsapp to Ahmad 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.

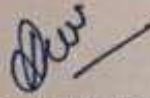
The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New



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Delhi is resumed.

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(Arvind Kumar)
Special Judge CBI-10
Rouse Avenue Courts
New Delhi/01.07.2020

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

01.07.2020

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.16/DHC/2020 dated 13.06.2020 in view of the pandemic Covid-19.

Present: Sh. Manu Mishra, Ld. Counsel for CBI.

1 Vide this order I shall dispose of an application filed by CBI for issuance of supplementary Letter Rogatory to the Swiss Confederation for legal assistance in investigation of CBI Case No. RC 217 2013A 003 in the matter of AgustaWestland.

Ld. Counsel for the CBI submitted that a criminal case vide RC 2172013A0003 was registered by CBI/ACU/New Delhi on 12.03.2013 U/S 120B 420 IPC and Sections 7,8,9, 12 & 13(2) r/w of PC Act against Air Chief Marshal (Retd.) S P Tyagi, the then Chief of Air Staff (CAS), Mr. Sanjeev Tyagi



Manu Mishra

@ Julie Tyagi (cousin of ACM S.P.Tyagi) and other 17 accused persons/companies. It is alleged therein that ACM (Retd.) S P Tyagi, the then CAS entered into criminal conspiracy with the accused Sanjeev Tyagi @ Julie Tyagi and other accused persons and in pursuance thereof, during the year 2004-2005 onwards, by abusing his official position as public servant, by corrupt or illegal means, agreed/conceded to change the hitherto consistent stand of IAF relating to service ceiling (flying altitude height) of VVIP helicopters from 6000 meters to 4500 meters. Such change in the mandatory Operation Requirements (ORS) made was AgustaWestland International Ltd (AWIL), eligible to participate in the bid/RFP (Request for Proposal) which was subsequently awarded contract for supply of 12 VVIP helicopters to Ministry of Defence, Govt. of India.

3 Ld. Counsel for the CBI further submitted that a charge-sheet in this case has been filed on 01.09.2017 before this Court against ACM (Retd.) S.P Tyagi, Air Marshal (Retd.) Jaspal Singh Gujral. Mr. Sanjeev Tyagi @ Julie Tyagi, Mr. Gautam Khaitan, Mr. Giuseppe Orsi. Mr. Bruno Spagnolini, Mr. Guido Ralph Haschke, Mr. Carlo Valentino Gerosa, Mr. Christian Michel James, M/S Finmeccanica SpA (presently known as Leonardo SpA), Italy, M/S AgustaWestland International Ltd (AWL), UK and M/S IDS Information Technology and Engineering Sad, Tunisia (IDS, Tunisia) for the commission of cognizable offences punishable u/s 120B r/w 420 IPC and Sections 7, 8, 9, 12 & 13(2) r/w of P.C. Act, 1988. This Court has taken cognizance of the offences against the aforesaid accused persons/companies vide order dated 11.10.2017 and now the matter is fixed on 23.10.2020 for appearance of the accused persons before this Court. It is also submitted that further investigation under Section 173(3) of Cr.PC is also going on.

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Ld. Counsel for CBI further submitted that certain evidence is



lying in Switzerland and Letter of Request may be issued for collection of said evidence lying in Switzerland.

5 I have gone through the material on record.

6 Considering the material on record and the submissions made by Ld. PP for CBI, I am of the considered opinion that this is a fit case for issuance of Letter Rogatory /Letter of Request to the Competent Authority in Switzerland seeking assistance in investigation of the present case. Thus a letter Rogatory/Letter of Request, addressed to Competent Authority, be issued.

7 Accordingly, the application is disposed of.

8 The original LR be handed over to CBI for necessary action. IO is directed to submit the copy of LR in the Court. The CBI shall place on record copy of the application and documents as and when the normal functioning of the court resumes.

9. Copy of this order be given dasti to Ld. PP for CBI.

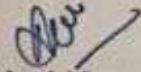
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