

ITEM NO.1

COURT NO.2

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition for Special Leave to Appeal (Cr1.) Nos.2806-2807/2022

(Arising out of impugned final judgment and order dated 11-03-2022 in WPCRL No.1808/2021, 11-03-2022 in CRLMC No.2442/2021 passed by the High Court Of Delhi At New Delhi)

ABHISHEK BANERJEE &amp; ANR.

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(FOR ADMISSION and I.R.; IA No.44162/2022 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.44691/2022 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.44166/2022 - FOR EXEMPTION FROM FILING AFFIDAVIT; and, IA No.44687/2022 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No.183/2022 (II-B)

(FOR ADMISSION and I.R.; IA No.11284/2022 - FOR EARLY HEARING; IA No.3869/2022 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.3868/2022 - FOR EXEMPTION FROM FILING O.T.)

Date : 17-05-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Counsel for the Parties:

Mr. Kapil Sibal, Sr. Adv.  
Mr. Sunil Fernandes, AOR  
Ms. Nupur Kumar, Adv.  
Mr. Prastut Dalvi, Adv.  
Mr. Shubham Sharma, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Sunil Fernandes, AOR  
Mr. Avishkar Singhvi, Adv.  
Ms. Nupur Kumar, Adv.  
Ms. Prastut Dalvi, Adv.  
Mr. Shubham Sharma, Adv.

Mr. Siddharth Aggarwal, Sr. Adv.  
Mr. Vikas Mehta, AOR  
Mr. Apoorv Khator, Adv.  
Mr. Abhinav Sekri, Adv.

Mr. Tushar Mehta, SG  
Mr. S.V. Raju, ASG  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Kanu Agrawal, Adv.  
Mr. Annam Venkatesh, Adv.  
Mr. Guntur Pramod Kumar, Adv.

Mr. Suhaan Mukerji, Adv.  
Mr. Sayandeep Pahari, Adv.  
M/s. PLR Chambers & Co., AOR

UPON hearing the counsel the Court made the following  
O R D E R

SLP (Cr1.) Nos.2806-2807/2022

Issue notice, returnable on 19.07.2022

Dasti service, in addition, is permitted.

Mr. Mukesh Kumar Maroria, learned Advocate-on-Record, who is instructing Mr. S.V. Raju, learned Additional Solicitor General, accepts notice on behalf of the respondent Directorate of Enforcement. He is granted three weeks' time to put in an affidavit in response and also to place such documents on record on which reliance will be placed on behalf of the Directorate of Enforcement.

Rejoinder, if any, be filed within two weeks thereafter.

Since the issues involved in the present matter are also pending consideration before this Court in SLP (Civil) Nos.19275-19276 of 2018, titled "Nalini Chidambaram v. The Directorate of Enforcement & Others", we direct the Registry

to place the papers of both the matters before the Hon'ble the Chief Justice of India so that both the matters could be placed before the appropriate Bench.

Pending further consideration, we pass following directions:

- (a) It shall be open to the Directorate of Enforcement to require attendance of the petitioners in its office situated at Kolkata by giving at least 24 hours' notice.
- (b) Simultaneously, notices shall also be issued to the Commissioner of Police, Kolkata and the Chief Secretary - State of West Bengal so that adequate police protection is afforded to the persons seeking to examine or interrogate the petitioners.
- (c) Subject to aforesaid directions (a) and (b), there shall be stay of the effect and operation of the judgment and order presently under challenge.

We have been assured by Mr. Suhaan Mukerji, learned Advocate appearing for the State that complete assistance shall be rendered by the State machinery so that effective interrogation or examination can be undertaken by the Directorate.

Mr. Mukerji has further assured that the apprehension expressed by Mr. S.V. Raju, learned Additional Solicitor General that there may be interference or obstruction in the examination or interrogation is completely misplaced and every care shall be taken by the State machinery.

On the assurance given by Mr. Mukerji, learned counsel for the State that State apparatus shall see to it that the interrogation and examination goes without any obstruction or interference, we have passed the aforesaid interim directions. In case there be any difficulty or obstruction or interference, the Directorate shall be at liberty to approach the Vacation Bench of this Court for appropriate directions.

Mr. Mukerji has also assured us that no coercive action of any kind shall be initiated by the Police or any State machinery either in relation to any earlier complaint or with respect to any complaint filed against such officials, without taking leave of the Court. The State shall also be at liberty to approach the Vacation Bench of this Court in that behalf.

List the matter for further consideration on 19.07.2022.

SLP(Cr1) No.183/2022

Issue notice, returnable on 19.07.2022.

Dasti service, in addition, is permitted.

Mr. Vikas Mehta, learned Advocate-on-Record appearing for respondent no.1 on caveat accepts notice.

Mr. Mehta prays for and is granted three weeks' time to put in the affidavit in response.

Rejoinder, if any, be filed within three weeks thereafter.

In the peculiar facts and circumstances of the case, by way of interim relief, it is directed that no coercive steps shall be taken against respondent no.1. Subject to aforesaid, the effect and operation of the judgment and order presently under challenge shall remain stayed.

This matter shall also be listed alongwith SLP (Cr1.) Nos.2806-2807/2022.

(MUKESH NASA)  
COURT MASTER

(ANJU KAPOOR)  
BRANCH OFFICER