

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

BEFORE THE REGISTRAR SH. RAJESH KUMAR GOEL

Writ Petition(s) (Criminal) No(s). 304/2018

AMIT BHARDWAJ

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(OFFICE REPORT FOR DIRECTIONS IN WRIT PETITION(CRIMINAL) NOS. 304 OF 2018, 33, 231, 159, 132, 207 OF 2019 IS ONLY TO BE LISTED )

Date : 22-03-2021 This petition was called on for hearing today.

For Petitioner(s)

Mr. Deepak Prakash, AOR

For Respondent(s)

Mr Suryodaya Prakash Tiwari, Adv.  
Mr. Raj Bahadur Yadav, AOR  
Mrs. Anil Katiyar, AOR  
Mr. Nishant Ramakantrao Katneshwarkar, AOR  
Mr Geo Joseph, Adv.  
Mr Rahul Chitnis, Adv.  
Mr. Sachin Patil, AOR  
Mr Aaditya A Pande, Adv.  
Mr. Shubhranshu Padhi, AOR  
Dr. Joseph Aristotle S., AOR  
Mr Vishal Prasad, Adv.  
Mr Nikhil Parikshith, Adv.  
Mr Abhishek Manchanda, Adv.  
Mr Sayandeep Pahari, Adv.  
M/S. Plr Chambers And Co., AOR  
Mr. Chirag M. Shroff, AOR  
Ms Abhilasha Bharti, Adv.  
Mr Sushant Dogra, Adv.  
Mr. Siddharth Mittal, AOR  
Mr. Viresh B. Saharya, AOR  
Ms. Pallavi Pratap, AOR  
Mr. Nischal Kumar Neeraj, AOR  
M/S. Gorkela Law Office, AOR  
Ms. Kamakshi S. Mehlwal, AOR  
Mr. Deepak Anand, AOR  
Mr. B. Krishna Prasad, AOR  
Mr M.K.Maroria, AOR  
Mr Suvesh Kumar, Adv.

Item No.2

UPON hearing the counsel through Video Conference, the Court made the following

O R D E R

Perused the record.

Directorate of Enforcement has sent a letter/application dated 29.9.2020 making a request to share the details of the payment made by the petitioner, Mr Amit Bhardwaj & Ors. It is stated that pursuant to the order passed by the Hon'ble Court, certain payments have been deposited by the petitioners. Directorate of Enforcement is investigating the case under Prevention of Money Laundering Act, 2002 against the petitioners. In order to ascertain the source of funds, a request has been made to share the details of the payment made by the petitioners in the Court.

The matter has been listed before the Court in terms of Order X, Rule 3 and Order V Rule 1(5) of the Supreme Court Rules, 2013.

Order X Rule 3 reads as under:

*"No record or document filed in any cause, appeal or matter shall, without the leave of the Court, be taken out of the custody of the Court."*

Order V, Rule 1 Sub rule 5 reads as under:

*"Application for leave to take documents out of the custody of the Court."*

From the aforesaid provisions of law it is clear that this Court has power to allow to take documents out of the custody of the Court. As mentioned in the application, the information sought is required for investigating the matter registered under Prevention of Money Laundering Act, 2002.

Item No.2

The ld. counsel for the petitioner submitted that under Order X Rule 3 no such information can be shared. I have serious doubt to the submission made by the ld. counsel for the petitioners. It is not the case of the petitioner that no such payments have been made pursuant to the order of the Court. It is also not denied that some matter is pending for investigation as mentioned in that letter/application moved by the Directorate of Enforcement. That being so, I deem it appropriate to provide the information pertaining to the payments made by the petitioners pursuant to the order of the Hon'ble Court so that the source of payment is known to the investigating agency. Here it is needless to mention that Directorate of Enforcement would maintain utmost confidentiality and would use the information for the purpose as requested.

Ld. counsel appearing for respondent no.9 pointed out that an application for cancellation of bail is also pending. Registry to verify. If such application is there, registry to proceed further as per rules.

RAJESH KUMAR GOEL  
Registrar