

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).1959-1963/2024

(Arising out of impugned final judgment and order dated 28-11-2023 in WP No.33459/2023 28-11-2023 in WP No. 33460/2023 28-11-2023 in WP No. 33461/2023 28-11-2023 in WP No. 33462/2023 28-11-2023 in WP No. 33467/2023 passed by the High Court of Judicature at Madras)

DIRECTORATE OF ENFORCEMENT

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS.

Respondent(s)

(IA No.33094/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-04-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Suryaprakash V Raju, A.S.G. [Not Present]
Mr. Mukesh Kumar Maroria, AOR
Mr. Samrat Goswami, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Zoheb Hussain, Adv.

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. D.kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Mr. C Kranthi Kumar, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Danish Saifi, Adv.

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

1. The application being I.A. No.77913/2024 filed on behalf of the respondents seeking production of additional documents is allowed.
2. Since the concerned respondents - District Collectors had not mentioned their names in the cause titles of their respective Writ Petitions before the High Court, though they were shown as Petitioner No.3 in the said Writ Petitions, their names were also not shown in the cause title of the present SLPs filed by the petitioner - ED. Now, since, from the documents produced alongwith the I.A., the replies filed by them in response to the summons issued by the petitioner - ED under Section 50 of the Prevention of Money Laundering Act, 2002 (PMLA), have come on record and their names have been revealed. Hence, the respective names of the concerned respondents - District Collectors be mentioned in the cause titles of the SLPs against their respective designations by the Office. The Office shall amend the cause titles of the SLPs accordingly.
3. On 27.02.2024, this Court had passed a detailed order after hearing the learned counsel for the parties, and stayed the operation and execution of the impugned order, and further directed the concerned respondents - District Collectors to appear and respond to the summons in question issued by the petitioner - ED on the next date, that may be indicated by the ED.
4. From the documents produced on record today, with the I.A. being No.77913 of 2024, it appears that the said respondents -

Collectors instead of respecting this Court's order, did not appear in person and filed their replies to the summons dated 01.03.2024 issued by the ED, stating inter alia that the information and data sought for is maintained by the other executive wings and would be required to be collected from different departments and offices located at various places and the process will require some time. They also stated that they are discharging the local duty of maintaining public order and also for the implementation of all social welfare and social security schemes within the District. It is further stated that as the Parliamentary Election is in the offing, they are required to render their services to the Election Commission of India being District Election Officers in addition to discharging their regular duties as District Magistrate-cum-District Collector. They have also stated that they have filed Review Petitions seeking review of the order dated 27.02.2024, pursuant to which such summons have been issued. They, therefore, requested to postpone the date of appearance in the summons to a date after the conclusion of the General Elections.

5. In our opinion, such cavalier approach and disdainful attitude of the District Collectors may land them into a difficult situation. When the Court had passed the order directing them to appear in response to the summons issued by the ED, they were expected to obey the said order and remain present before the ED. By not following the order, they have created an impression that they do not have respect either for the Court, or for the law, much less for the Constitution of India. Such an approach is strongly deprecated. However, having regard to the fact that the General

Elections are scheduled in the State of Tamil Nadu on 19th April, 2024 and since the learned senior counsel, Mr. Sibal, on instructions has stated that the respondents - District Collectors are collecting the data as desired to be furnished in response to the summons of the ED, from the concerned Offices and the Departments, we deem it appropriate to give them one more chance to appear before the ED in response to the summons issued by the ED under Section 50 of the PMLA.

6. In view of the above, it is directed that the respondents - District Collectors shall remain personally present and appear before the ED on 25.04.2024 and respond to the summons issued under Section 50 of the PMLA in respect of the information /data sought therein, failing which, strict view shall be taken in the matter.

7. List on 06.05.2024 for reporting the compliance.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)