

ITEM NO.15 Court 4 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 368/2021

INDRANI PATNAIK & ANR. Petitioner(s)

VERSUS

ENFORCEMENT DIRECTORATE & ORS. Respondent(s)

(FOR ADMISSION and IA No.41806/2021-STAY APPLICATION)

Date : 26-03-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv.
Mr. Vikas Singh, Sr. Adv.
Ms. Nandini Gore, Adv.
Mr. Naveen Kumar, Adv.
Ms. Sonia Nigam, Adv.
Mr. Karanveer Singh Anand, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Kapish Seth, Adv.
Mr. Mrithyunjaya Singh, Adv.
Mr. Nitesh Bhandari, Adv.
Mr. Prabhat Rai, Adv.
Mr. Shourajeet Chakravarty, Adv.
Mr. Vinit Kumar, Adv.
M/S. Karanjawala & Co., AOR

For Respondent(s)

Mr. Tushar Mehta, Ld. S.G.
Mr. Kanu Agarwal, Adv.
Mr. B.V. Balram Das, AOR

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

Heard learned counsel for the petitioner.

Our attention has been invited to paragraph 141 to 150 of the judgment of this Court in Writ Petition(C) No. 114 of 2014 titled as "Common Cause Vs. Union of India

and Ors. reported in (2017) 9 SCC 499 to contend that there is no criminal liability in respect of deposit made in reference to direction under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957.

It is asserted in the Writ Petition that the Enforcement Directorate is proceeding against the petitioner in respect of such deposit made by the petitioner.

Prima facie, we find force in the argument that such deposit cannot be treated as proceeds of crime.

Issue notice, returnable on 07.04.2021.

Dasti, in addition, is permitted.

Mr. B.V. Balram Das, Advocate waives notice for respondent No.1. Notice be issued to other respondents.

Until the next date of hearing, no precipitative steps be taken against the petitioner.

We make it clear that this does not mean that the investigation undertaken by the Enforcement Directorate should be put on hold. That may continue in accordance with law.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

