

**IN THE COURT OF SH. AJAY GULATI
SPECIAL JUDGE (PC ACT), CBI-12, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI.**

RC No. BDI/2011/E/0002 CBI BS&FC

CBI Vs. M/s. Texcomash International Ltd and others

Application moved by applicant Sh. Luv Bhardwaj for release of documents and de-sealing of two bank lockers.

17.08.2020

Present :- Shri Sukant Vats, Ld. Senior PP for CBI.
IO Insp. Anuj Kumar.

Shri Dhruv Chaudhary, Ld. Counsel for A-11.

Shri Madhukar Pandey and Shri Shivam Gupta, Ld. Counsel for A-23
Manoj Garg.

Shri Amit Aggarwal, Ld. Counsel for A-18, A-16, accused Ajay Sharma
and also for A-23 Manoj Garg.

Shri Sameer Rohtagi, learned arguing counsel for the applicant Luv
Bhardwaj along with Shri Vinod Kumar and Shri Manohar Malik, Id.
Advocates

Shri Hitesh Rai, Ld. Counsel for A-20 Om Prakash.

Shri J.K. Singhal, Ld. Counsel for accused Vivek Goel.

A-4 P. Shiva Ram Reddy, A-11 Kapil Chugh, A-20 Om Prakash and A-23 Manoj Garg have also joined through Video Conferencing.

Present proceedings have been taken up through video conference which has been hosted by Court Reader Sh. Virender Yadav.

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The matter has been taken up today for further consideration on the application moved by non-accused/applicant Luv Bhardwaj who has prayed for return of certain documents seized by CBI as also de-sealing of two of his bank lockers which also have been sealed by the CBI during the course of investigation.

There is another application which has been moved by Shri Madhukar Pandey, Ld. Counsel for A-23 Manoj Garg praying therein that the present matter be adjourned *sine-die* in view of the fact that the investigation is still going on and for the last many dates of hearing, the matter has been listed only for the purpose of inquiring about the status of investigation. The stand of the CBI for last many dates of hearing has been that response is awaited to the LRs sent by them, and so long as the response is not received, there is nothing much that the CBI can comment upon with regard to progress of further investigation.

The application moved by Shri Madhukar Pandey, Ld. Counsel for A-23 Manoj Garg is taken on record. In the understanding the court, no reply is required in regard to the present application as the state of further investigation being carried out by the CBI is much too evident. However, the application will be taken up after the disposal of the application of Luv Bhardwaj.

So far as the application of non-accused/applicant Luv Bhardwaj is concerned, in response to the directions issued on the last date of hearing to the investigating officer i.e. on 8.7.2020, a reply has been filed on behalf of the CBI in which details of investigation carried out since the last date of hearing, have been given. However, reply of the same has not been sent to the applicant for which the

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reason is mentioned in the reply itself. It has been stated in the reply that the details of the investigation carried out so far be not shared with the applicant since the investigation is still in progress. In the reply, further time has been sought by the investigating officer to comply with the directions issued by this Court.

For the reasons mentioned therein which appear to be cogent, the investigating officer is granted further period of 4 weeks to complete the investigation with regard to the present application and submit a detailed reply.

Learned counsel for the applicant had made a request on the last date of hearing which request has been repeated today also and which is to the effect that the gold articles which are lying in the two lockers, may be got valued by the CBI since the value of the gold is much in excess of the amount that *allegedly* the applicant has helped in siphoning of **i.e.** Rupees one crore seventy four lacs. Learned counsel emphatically submitted that the applicant would have no problem in case the gold equal to the value of the *alleged* siphoning of money by him is retained by the CBI but the rest may be returned to him so that he could use the same for his personal/business purpose.

The gold contained in the two bank lockers was purchased during the period 2005-2006 as per the invoices supplied by the applicant to the investigating officer. The invoices have been verified by the MMTC from whom the gold was purchased. However, the source of the purchase is still under investigation. The present RC was registered in the year 2009 in view of which I deem it appropriate to give further directions to the investigating officer to file a detailed reply as to whether detecting the source of money used for the purchase of gold articles lying in the sealed lockers would have any bearing on the present RC which was registered in the year 2009.

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The IO is directed to get the gold articles in the concerned 2 bank lockers valued by adopting due procedure. The applicant be joined in the valuation proceedings. **Detailed reply be filed by 15.9.2020, including of the directions given today.** Put up again on 17.9.2020, to be taken up through Video Conference in case physical functioning of the district courts does not resume by the next date of hearing.

(AJAY GULATI)
Spl. Judge (PC Act), CBI-12
RADCC/New Delhi/17.08.2020