
(2014) 02 SC CK 0099

In the Supreme Court Of India

Case No : W.P.(Crl.) No. 120 of 2012 and W.P.(C) Nos. 463, 515 of 2012 and 283 of 2013

Manohar Lal Sharma

APPELLANT

Vs

The Principal Secretary and Others

RESPONDENT

Date of Decision : 10-02-2014

Acts Referred:

Central Vigilance Commission Act, 2003 — Section 8
Criminal Procedure Code, 1973 (CrPC) — Section 173(2)
Delhi Special Police Establishment Act, 1946 — Section 4, 4(1), 6

Citation : 2014 (4) SCALE 617

Hon'ble Judges : R.M. Lodha, J;Madan B. Lokur, J;Kurian Joseph, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. In the course of consideration of these matters, the issue cropped up with regard to scope of Section 8 of the Central Vigilance Commission Act, 2003 (for short, 'C.V.C. Act') particularly Clauses (a), (b) and (e) of Sub-section (1) thereof and Section 4 of the Delhi Special Police Establishment Act, 1946 (for short, 'D.S.P.E. Act'). Let notice be issued to Central Vigilance Commission - Respondent No. 3 in Writ Petition (Civil) No. 463 of 2012 limited to the above extent returnable on March 10, 2014. Dasti, in addition to the ordinary process, is permitted.

2. Pursuant to the order dated 29.08.2013, status report has been submitted by the Central Bureau of Investigation (C.B.I.) with regard to inquiries/investigation done upto December 2013. It transpires from the status report that upto December 2013 inquiry in respect of 87 companies has been finalised in PE-2 by order of the competent authority and, out of these, 13 Regular Cases were registered for investigation and the investigation is in progress. In addition to 87 companies, inquiries in respect of 38 companies has been concluded and it is stated that reports are in process of scrutiny for getting the final order from the competent authority. Inquiry reports pertaining to 24 companies are being

attended to at the level of chief inquiry officer. In so far as field inquiry is concerned, it is reported that field inquiry pertaining to 149 companies has been completed out of 169 companies and field inquiry pertaining to remaining 20 companies including ultra mega power project (UMPP) and coal to liquid (CTL) is in progress.

3. Mr. Amrendra Sharan, learned senior counsel for the C.B.I., submits that inquires and investigation in other PEs and all RCs shall be completed by 30.04.2014. Mr. Amrendra Sharan further submits that in 6 RCs wherein investigation is complete, final report u/s 173(2) of the Code of Criminal Procedure, 1973 shall be filed before the appropriate court within three weeks from today. We record and accept the statement of the learned senior counsel which obviously is made on instructions.

4. As regards State PSUs pertaining to PE-5, we are informed that many States have not so far given their consent u/s 6 of the D.S.P.E. Act. Since this Court is monitoring the investigation being done by C.B.I., in respect of allocation of coal blocks, formal consent of the concerned States which have not given their consent so far is dispensed with in light of the decision of this Court in State of West Bengal and Others Vs. The Committee for Protection of Democratic Rights, West Bengal and Others, .

5. List the matters on March 10, 2014 at 2 P.M. for hearing all concerned on the scope of Section 8 of C.V.C. Act and Section 4 of D.S.P.E. Act and also on the status report submitted by the Enforcement Directorate.

Criminal Miscellaneous Petition No. 3505 of 2014 in Writ Petition (Criminal) No. 120 of 2012

6(1). By this application made by C.B.I., it is prayed that C.B.I. may be permitted to share necessary information with other Courts while dealing with miscellaneous applications/matters ancillary to the investigation in a sealed cover. C.B.I., also prays that permission may be granted to it to appoint two advocates whose names are disclosed in the sealed cover for handling the matters referred to in the application and permission to share necessary information with them.

7(2). Having regard to the earlier orders passed by this Court on 08.05.2013, 29.08.2013 and 29.10.2013 and the difficulty being faced by C.B.I., in the matters referred to in the application, we are satisfied that permission may be granted to C.B.I., to share necessary information with other Court/s while dealing with miscellaneous applications/matters ancillary to the investigation in a sealed cover and only for the perusal of the concerned Court. We order accordingly.

8(3). C.B.I., is also permitted to appoint two advocates, namely, Mr. Amit Anand Tiwari and Mr. Sanchit Guru for handling matters referred to in the application and to share necessary information with them. Criminal Miscellaneous Petition

No. 3505 of 2014 stands disposed of accordingly.