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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(CRL) 443/2022 AND CRL.M.As. 3845/2022, 4639/2022 & 4803/2022**

INDIABULLS HOUSING FINANCE & ORS. ..... Petitioners

Through: Mr. Kapil Sibbal, Senior Advocate and Mr. Rajvi Nagar, Senior Advocate with Mr. Rishi Agrawala, Mr. Karan Luthra and Mr. Ankit Banati, Advocates.

versus

UNION OF INDIA & ANR. ..... Respondents

Through: Mr. Amit Mahajan, CGSC with Mr. Zoheb Hossain, SPP with Mr. Vivek Gurnani and Mr. Imon Bhattachrya, Advocates.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

O R D E R

% 16.03.2022

It is submitted by learned senior counsel appearing on behalf of the petitioner; that the petitioner has to respond to the summons issued by the Enforcement Directorate and he has to appear before the Enforcement Directorate on 22.03.2022. It is further submitted by learned senior counsel appearing on behalf of the petitioner, that the petitioner has already joined the investigation once and in compliance to those summons, he has already supplied some documents and has also answered their queries.

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On the other hand, it is submitted by the learned Central Government Standing Counsel appearing on behalf of the Enforcement Directorate that though the petitioner has joined the investigation, he has not cooperated in the investigation and after supplying some documents and some information which was not to the satisfaction of the Investigating Officer, he stated that he would come back and give all the requisite information and supply the requisite documents.

Now, it is submitted by learned senior counsel appearing on behalf of the petitioner that there is a jurisdictional issue. It is yet to be decided whether the petitioner has to be summoned as an accused or as a witness. It is further submitted that, the petitioner by virtue of Article 20(3) of the Constitution of India cannot be made a witness against himself.

Be that as it may, in the meantime, the petitioner is directed to supply documents by 22.03.2022 and the respondent to issue further date for summons, and in case petitioner is required to make further clarification, then he may respond to those summons.

Learned senior counsel appearing on behalf of the petitioner submits that petitioner will co-operate with the IO in all possible ways and provide all the documents, as per the requirement of the IO, will be supplied to them. It is further submitted by learned senior counsel that petitioner would make himself available in case those documents are required to be explained.

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List on 13.04.2022.

Interim order to continue till the next date of hearing.

SIDDHARTH MRIDUL, J.

RAJNISH BHATNAGAR, J.

MARCH 16, 2022/AK

Click here to check corrigendum, if any

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