

CNR No : DLCT11-000927-2019
CC No : 01/2015
ECIR : DLZO/15/2014/AD(VM)
U/S : 3 and 4 of PMLA Act
Directorate of Enforcement Vs. Gautam Khaitan & Ors.

30.01.2021

The proceedings were to be conducted through video conferencing (CISCO WEBEX) as per Order No. 35/RG/DHC/2021, dated 14.01.2021 of Hon'ble High Court of Delhi and Circular No. Power Gaz./RADC/2021/799-886-D/35-B, dated 16.01.2021. However, the matter is taken in the court and physical hearing is conducted considering the voluminous record of the present case.

Present : Sh. N.K.Matta and Sh. Mohd. Faraz, Ld. SPPs for Enforcement Directorate.
Sh. Yogeshwar Sharma, DD, Sh. Karun Bansal, AD and Sh. Arun Kumar, AD for Enforcement Directorate.
Accused Anoop Gupta produced from police custody.
Sh. Vikas Pahwa, Ld. Sr. Advocate for accused is present through video conferencing.
Sh. Shadman Ahmed Siddiqui, Ld. Counsel for applicant/accused Anoop Gupta.

Ld. Counsel for applicant/accused Anoop Gupta has requested for legal interview in court.

Ld. Counsel for accused is allowed to meet the accused for 5

minutes in court itself.

ED has filed an application seeking 14 days police custody remand in respect of accused Anoop Gupta.

Ld. Counsel for the ED submitted that ED has started its investigation on the basis of schedule offence U/S 120B r/w 420 IPC and Section 7, 8, 9, 12, 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988 registered by the CBI.

Ld. Counsel for the ED submits that approximately Euro 70 Million (proceeds of crime) were laundered through two channels for payments of kickbacks to various political persons, bureaucrats, Air Force officials and others to influence the contract for supply of 12 VVIP/VIP Helicopters in favour of M/s AgustaWestland International Limited. It is submitted that M/s IDS Information Technology and Engineering Sarl, Tunisia has received proceeds of crime to the tune of Euro 24.37 million from M/s AgustaWestland and out of this about Euro 12.4 million were further transferred to M/s Interstellar Technologies Limited, Mauritius and proceeds of crime were further transferred to various companies including M/s Rawasi Al Khaleej General Trading LLC Dubai which was incorporated in 2007 by M/s KRBL DMCC, Dubai and accused Anoop Gupta was one of the Director of M/s KRBL DMCC and this Company was a subsidiary of M/s KRBL Limited, India and accused Anoop Gupta is Joint Managing Director of M/s KRBL Limited. It is submitted that in 2009, the entire stake (49% shareholding) of M/s KRBL DMCC held in M/s RAKGT was transferred in

the name of Sh. Anurag Potdar but in fact even after 31.03.2009, M/s RAKGT is under the control of M/s KRBL Limited through accused Anoop Gupta and part of the proceeds of crime received in M/s RAKGT were transferred to M/s KRBL Limited. It is submitted that ED has received some documents on 17.12.2020 which shows that accused was controlling financial transactions of the said Company. It is submitted that bribe was paid from 2008-2010 as per their case. It is further submitted that accused gave evasive replies and is not cooperating and further he is required to be confronted with number of documents and persons to ascertain the money trail and determine the role of various accused persons in the commission of the offence of money laundering and to unearth how the kickbacks were routed and laundered.

On the other hand Ld. Sr. Counsel for accused Anoop Gupta objects to the submissions made by Ld. Counsel for ED. It is submitted that accused has been arrested without any justified reason. It is submitted that one complaint and six supplementary complaints had already been filed and the ED had searched the premises of accused on 06.09.2017 and has seized some documents and thereafter accused was called in 2018 and he joined and cooperated in the investigation. It is further submitted that whatever the documents he had, he had already provided and now there is no reason for police remand of accused. It is also submitted that even as per the ED case accused had transferred the entire stake of M/s KRBL DMCC held in M/s RAKGT to one Sh. Anurag Potdar, then how accused can explain about the documents which were executed after 31.03.2009. It is submitted that accused has medical history and is suffering from

diabetes, mellitus hypertension, renal calculus and has also suffered Covid Pneumonia in November, 2020 and is on medication. It is submitted that there is no justified reason for grant of police custody to the accused. Ld. Sr. Counsel for accused submits that application filed by ED may be dismissed.

I have gone through the material on record.

The ED is seeking police custody remand of 14 days as accused need to be confronted with voluminous documents received through LRs to the other persons to unearth the larger conspiracy and money trail.

Keeping in view the facts and circumstances, submissions made by the parties, I deem it fit to grant 5 days PC remand of the accused. Accordingly, accused Anoop Gupta is remanded to PC for 5 days.

Ld. Counsel for accused also moved an application for providing medicines and spectacles to applicant/accused Anoop Gupta.

Ld. Counsel for the ED submits that they will be providing necessary medical care to the applicant/accused and shall also be permitting him necessary medicines and spectacles.

The ED shall get the accused medically examined daily and

will provide best possible medical assistance considering the medical condition of accused. The accused shall be allowed to have necessary medicines.

Ld. Counsel for accused submits that he be allowed for legal interview during interrogation.

The accused shall be entitled to get legal assistance from his Advocate during interrogation. The ED will permit Ld. Counsel for accused Sh. Shadman Ahmed Siddiqui to assist the accused from 5.00 pm to 5.45 pm on each day.

Copy of this order be given dasti to Ld. Counsel for accused as well as to Ld. Counsel for ED.

(Arvind Kumar)
Special Judge, CBI-10
Rouse Avenue Courts
New Delhi/30.01.2021