

ED v. Raj Singh Gehlot & ors
Case No. 87/2021
CC No. 39/2021

05.10.2021

Present: Sh. N. K. Matta and Sh. Atul Sharma, Ld. SPP for ED.

IO Sh. Bhoopesh, AD, PMLA.

Pursuant to the queries raised by this court vide order dated 27.09.2021, Ld. SPP has filed a report submitting here as under :

| S. No | Query | Answers |
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| 1. | The process of disbursement of loan and inherent checks and balances, if any, envisaged in the process of disbursement of loan. | It is submitted that investigation qua the higher bank authorities in the instant matter is still pending and upon conclusion of the investigation, a supplementary complaint shall be duly filed against the erring bank officials. |
| 2. | The requirement of any certificate being issued by any Chartered Accountant / Architect and the same being furnished by the main accused alongwith his application before disbursement of the loan. | It is informed that end use certificate of funds is required to be issued by a CA and construction development progress report is required to be filed by an Architect. During the course of investigation, it was revealed that Sh. B. L. Yadav, proprietor M/s BLY & Associates was the Chartered Accountant who was issuing certificates showing end use of funds on behalf of M/s AHPL. Sh. Achal Kumar, Supervisor cum Architect of Achal Kataria who was submitting construction progress report on behalf of M/s AHPL. It is informed that investigation qua the said B. L. Yadav and Achal Kumar is still under progress and summons have already been issued against them for further |

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| | | interrogation by ED |
| 3. | Mutually contradictory statements of the bank officials involved in the instant matter and the investigation qua the higher authorities. | It is submitted that investigation qua the higher bank authorities in the instant matter is still pending and upon conclusion of the investigation, a supplementary complaint shall be duly filed against the erring bank officials. |
| 4. | The requirement of impleadment of proprietorship concern and HUF. Impleadment of HUF without impleadment of the Karta in his individual capacity. | <p>It is submitted that for the time being, the complainant is not pressing his complaint qua the parties arrayed at S. No. 7,8 and 9 of the complaint as the investigation qua the Karta in the individual capacity is still going on.</p> <p>It is submitted that since HUF is included in the definition of a 'person' as defined u/s 2 (1)(s) of the PMLA, a supplementary complaint shall be filed against the Karta as well as the HUF.</p> |
| 5. | Role of the auditors/CAs involved in the instant matter rendering assistance to the main accused Raj Singh Gehlot in the offence of money laundering. | It is submitted that role of auditors/CAs is still being investigation. |
| 6. | The efforts made by the IO in establishing the complete money trail and recovery of the defalcated amount. | It is submitted that so far the complainant has been able to establish the diversion of funds to the tune of Rs.113.73 cr and diversion of the material to the tune of Rs.41.56 cr. It is submitted that proceeds of crime involved in the instant matter was initially assessed to be Rs.494 cr. Investigation regarding the entire proceeds of crime is still under way. |
| 7. | The investigations carried out qua the OTS between the accused Raj Singh Gehlot and Central Bank of India. | It is submitted that ED is still investigating the OTS between accused Raj Singh Gehlot and Central Bank of India. |

In view of the submissions made, let all accused persons, who have been arrayed as an accused persons in the instant complaint, except accused No. 7 M/s A G Commercial, accused no. 8 M/s New Haryana Traders and accused no. 9 M/s A One Trading be summoned for the NDOH on filing PF/RC.

It would be pertinent to observe here that accused no. 1 Raj Singh Gehlot, who is yet to be summoned, has joined the proceedings through VC from jail.

Accused Raj Singh Gehlot is seen keenly observing the court proceedings using a head phone. **The facility of the head phones provided to the inmates by the jail authorities, to witness the court proceedings, is a very welcome initiative.** However, unfortunately, for the reasons best known to jail authorities, I have not seen the jail authorities extending the same privilege to the other inmates attending the court proceedings through video conferencing. In my considered opinion, the State cannot afford to adversely discriminate other inmates by denying them the similar facilities/ privileges as extended to accused Raj Singh Gehlot in the instant matter. The other inmates are equally entitled to effectively participate in the court proceedings using a similar head phone as provided to the accused herein. Accordingly, worthy DG, Prisons is requested to look into the matter and apprise this court as to why similar facility is not being provided to the other inmates who are attending the court proceedings through VC.

Copy of the instant order be accordingly sent to worthy DG, Prisons for necessary information and compliance.

Now to come up for appearance of accused persons/further proceedings in the matter on **23.12.2021**.

(Dharmender Rana)
ASJ-02, NDD/PHC/New Delhi
05.10.2021