

SYED MEHDI IMAM
ADVOFCATE-ON-RECORD
SUPREME COURT OF INDIA

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New Delhi-110001
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RE-CHECKING LETTER

Dated : 06.02:2025

To,

The Registrar,
Supreme Court of India
New Delhi-110001.

Subject : Regarding Re-checking of the Petition filed vide
Diary No. 5578 of 2025 [Asif Naseem v. Union of
India & Ors.]

Sir,

The petitioner has filed the above captioned matter on 30.01.2025. Thereafter, the registry pointed out various defects. In order to cure those defects the Petitioner has placed on record two additional documents for which a separate application seeking to place on record additional documents is filed.

Therefore, in view thereof, you are kindly requested to recheck the matter enabling my office to proceed further.

Yours sincerely,


SYED MEHDI IMAM
Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025
(WITH PRAYER FOR INTERIM RELIEF)

(Special Leave Petition arising out of the Impugned interim Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023)

ASIF NASEEM ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

CRL.M.P.No. _____ OF 2025

(Application for placing on record additional documents)

WITH

CRL.M.P.No. _____ OF 2025

(Application for condonation of delay)

WITH

CRL.M.P.No. _____ OF 2025

(Application seeking exemption from filing Certified Copies of Impugned Orders)

(PAPER – BOOK)

(KINDLY SEE INDEX INSIDE)

ADVOCATE FOR THE PETITIONER: SYED MEHDI IMAM

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

(WITH PRAYER FOR INTERIM RELIEF)

(Special Leave Petition arising out of the Impugned Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023)

IN THE MATTER OF:-

ASIF NASEEM

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

OFFICE REPORT ON LIMITATION

1. The Petition is/are within time.
2. The Petition is barred by time and there is delay of 128 days in filing the same against orders dated 01.07.2024 and 16.12.2024 and Petition for condonation of delay has been filed.
3. There is delay of ___ days in re-filing the petition and Petition for Condonation of ___ days delay in refilling has been filed.

BRANCH OFFICER

Place: New Delhi

Dated: 30.01.2025

PROFORMA FOR FIRST LISTING

SECTION: IX

The case pertains to (Please tick/check the correct box):

- Central Act: (Title) Prevention of Money Laundering Act, 2002
and Prevention of Money Laundering
(Confiscation of Property) Rule, 2016
 - Section: Section 8 and Rule 3-A
 - Central Rule: (Title) Nil
 - Rule No(s) Nil
 - State Act: (Title) Nil
 - Section: Nil
 - State Rule: (Title) Nil
 - Rule No (s) Nil
 - Impugned Interim Order: (Date) (Dated) 01.07.2024 and 16.12.2024
 - Impugned Final Order/Decree: (Date) Nil
 - High Court: (Name) High Court of Judicature at Allahabad
 - Names of Judges: Hon'ble Mr. Justice Siddarth, J.
Hon'ble Mr. Justice Brij Raj Singh, J.
Hon'ble Mr. Justice Arun Kumar Singh Deshwal, J.
 - Tribunal/Authority: (Name) Nil
-

- 1. Nature of matter: Civil Criminal
- 2. (a) Petitioner/Appellant No. 1: Asif Naseem
- (b) e-mail ID: N. A.
- (c) Mobile phone number: N. A.
- 3. (a) Respondent No. 1: Union of India & Ors.
- (b) e-mail ID: N. A.
- (c) Mobile phone number: N. A.
- 4. (a) Main category classification: 18 - Ordinary Criminal Matter
- (b) Sub classification: 1807 Others
- 5. Not to be listed before: N. A.

6. (a) Similar disposed of matter with citation, if any & case details. No any similar disposed matter
- (b) Similar Pending matter with case details ... No similar matter is pending

7. **Criminal Matters:**

- (a) Whether accused/convict has surrendered: Yes No
- (b) FIR No. ... 0558/2020 Date: 30.09.2020
- (c) Police Station: Civil Lines
- d) Sentence Awarded: N. A.
- (e) Period of Sentence Undergone including Detention/Custody undergone N. A.
- (e) Period of Sentence Undergone including Detention/Custody undergone 3 years 2 months
- (f) Whether any earlier case between the same Parties is filed
- (h) Particulars of the FIR and Case
- (g) Whether any bail application was Preferred earlier and decision thereupon...

8. **Land Acquisition Matters:**

- (a) Date of Section 4 notification N. A.
- (b) Date of Section 6 notification N. A.
- (c) Date of Section 17 notification: N. A.

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10. **Special Category** (first petitioner/appellant only):

- Senior Citizen 65 years ST... Wor.../Child
- Disabled .. Legal Aid case Ir...study.

11. Vehicle Number (in case of Motor Accident Claim matters): N.A.

Date: 30/01/2025



(SAYED IMAM MEHDI)

Advocate for Petitioner(s)/

AOR No. - **1879**

E-Mail: mehdiimam@gmail.com

SYNOPSIS

With utmost humility the Petitioner invokes the jurisdiction of this Hon'ble Court seeking order or direction against the Directorate of Enforcement, Lucknow Zonal Office, Uttar Pradesh - 226001 (hereinafter referred to as "**ED**") to set aside the interim orders dated 01.07.2024 & 16.12.2024 passed by the Hon'ble Division Bench in *Prakash Chandra Tiwari v. Union of India*, WP (Crl.) No. 17232 of 2024 wherein the Hon'ble High Court erroneously passed an order directing the Special Court to consider the claim of the complainant as per the Section 8(8) of the Prevention of Money Laundering Act, 2002 ("**PML Act/ PMLA**") in complete disregard of Rule 3A of the Prevention of Money Laundering (Restoration of Property) Rules, 2016, within a period of five months from the date of the production of the certified copy of the order along with the claim. The Petitioner herein wants to draw the attention of this Hon'ble Court to the *ultra vires* nature of second proviso to the Section 8(8) of PMLA, 2002 which is illegal and is in contravention with the settled law provided under the PMLA, 2002.

The Enforcement Directorate ("**ED**") is conducting the trial in derogation of the statutory provisions laid down under PMLA, 2002. It is pertinent to note that the Petitioner herein is behind the bars for more than 3 years and 1 month whereas the charges have also not been framed against him till date.

FACTUAL BACKGROUND:-

The Petitioner, Asif Naseem, Director/ Partner in M/s. Shine City Infra Project Pvt. Ltd., having its registered office at B - 1706/14, Kareli, PS: Kareli, Prayagraj, Uttar Pradesh - 211016 incorporated on 15.01.2013, registered with ROC - Kanpur (CIN U70102UP2013PTC054746), gained prominence in the real estate sector by successfully delivering projects in Kanpur and six projects in Lucknow and various other projects across the State of Uttar Pradesh. The Company was managed by the Petitioner herein along with the co-director Mr. Rashid Naseem. In May 2019, a business workshop in Nepal was attended by certain individuals including co-accused Mr. Rashid Naseem wherein the co-accused was detained along with the other individuals by the authorities which was on account of certain pending cases against one of the individuals. This incident triggered a wave of misinformation, falsely accusing the company's directors of absconding with the investor funds resulting in the registration of multiple FIRs across various jurisdictions.

It may be noted that the said Company has completed its project viz. Pole Star City 1 situated at Tehsil Narwal District Kanpur Nagar and successfully handed over possession of 225 plots to the respective investors and in a similar fashion the said company proposed six projects in District Lucknow viz. (i) Vaid Vihar, (ii) Zaviar City, (iii) Solitaire City, (iv) New Shine Valley, (v) Nature Valley and (vi) Paradise Valley wherein it has successfully handed over possession of 212 plots to the respective investors.

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Following the registration of the multiple false and frivolous FIRs across the state of UP, the Respondent i.e., Directorate of Enforcement Lucknow Zonal Office, without due application of mind, initiated proceedings under the Prevention of Money Laundering Act, 2002 against the Petitioner registering a case bearing no. ECIR/05/PMLA/LKZO/2021, recorded on 21.01.2021, alleging the involvement of proceeds of crime on the basis of 226 bogus FIRs under sections 409, 420, 467, 468, 471 and 120B IPC, 1860, registered by UP Police against M/s Shine City Infra Project Pvt. Ltd., Rashid Naseem, Managing Director of M/s Shine City Infra Project Pvt. Ltd, the Petitioner namely, Asif Naseem, Director M/s Shine City Infra Project Pvt. Ltd. and others.

REASONING FOR SETTING ASIDE THE IMPUGNED ORDERS:-

The Impugned Orders Dated 01.07.2024 and 16.12.2024, respectively, passed by the Hon'ble High Court at Allahabad, in Criminal Misc. Writ Petition No. 20172 of 2023, titled as *Prakash Chandra Tiwari v. Union of India & Ors.*, are incorrect, illegal and in juxtaposition to the provisions of the Prevention of Money Laundering Act, 2002. Further, the aforesaid Impugned Orders are in violation of Article 21 of the Constitution of India amongst other fundamental right guarantees as well as Principles of Natural Justice. Notably, the Petitioner herein is undergoing pretrial incarceration for a little more than three years.

Notably, the Hon'ble High Court of Allahabad has erred by passing an order that has fundamentally altered the statutory regime. The direction to file a claim under Section 8(5) of PMLA, 2002 is premature, as "*the conclusion of the trial*" is an essential element to determine whether the property is involved in money laundering whereas in the present case in hand the trial is at the pre-trial stage and the charges have also not been framed against the Petitioner herein. It is to be noted that in some of the cases filed against the Petitioner herein the chargesheets have been filed whereas in several of the cases the chargesheets have also not been filed till date.

The present Special Leave Petition invites the determination of this Hon'ble Court on core issues of law based on two key issues of law and public importance.

Firstly, the provision for the restoration of property to a claimant during the pendency of trial under Proviso (2) to Section 8(8) of the PML Act read with Rule 3-A of the Prevention of Money Laundering (Restoration of Property) Rules, 2016, is in direct conflict with Section 8(5) of the Act which expressly and specifically deals with the confiscation of the property "*after the conclusion of the trial*".

Further, Section 8(6) explicitly mandates the release of property only upon the "*conclusion of the trial*" and after a finding by the Special Court that the offence of money laundering has not been committed, Proviso (2) permits such restoration before the trial concludes. This

creates a contradiction within the statutory framework, which the Hon'ble High Court failed to address in its impugned orders. The failure to reconcile this inconsistency frustrates the legislative scheme of the PMLA and leads to an interpretation that allows for the premature restoration of property, thereby undermining the principles of justice and fairness as well as the fundamental rights guarantees of fair trial to the Accused.

Secondly, in view of the directive of the Hon'ble High Court in the Impugned Orders, the Special Court in Lucknow passed the orders for the restoration of property in three petitions filed by claimants under Section 8(7) of the PMLAct as per Rule 3A of the Prevention of Money Laundering (Confiscation of Property) Rules, 2016 in violation of the mandate provided under sub-rule (4) of Rule 3A expressly providing for an "equal opportunity of being heard".

Thirdly, the Rule 3-A of 2016 Rules mandates for the restoration of the property only "*after framing of the charges*" whereas, the instant case in hand is at pre-trial stage and the charges against the Petitioner herein has not been framed yet and is languishing behind the bars for more than 3 years and 1 month. Therefore, allowing applications under Section 8(7) of PMLA, 2002, virtually closes all the doors for the Petitioner herein to go through the trial which has already been challenged before the Hon'ble High Court at Lucknow Bench.

Finally, certain third-party agents who significantly profited while working with the company, in collusion with the other complainants,

engaged in fraudulent activities against the company. They misappropriated and misused company assets by issuing falsified authority letters and executing sale and registration deeds without obtaining approval through a Board Resolution or informing the Petitioner. These third - parties have already defrauded and misappropriated the assets of the company and now on the basis of the Impugned Orders passed by the Hon'ble High Court are approaching the Special Court to further bleed the company of its resources. In this regard the Petitioner herein has proceeded against such unscrupulous agents as well as complainants by lodging a complaint with the jurisdictional police through the jail authorities.

REASONS FOR THE PETITIONER'S GRIEVANCE AGAINST THE IMPUGNED ORDERS:

It is pertinent to note that this malice third - party agents, who have benefitted while working with the company, now under the garb of the Impugned Orders have been filing frivolous Writ Petitions claiming money from the Company portraying themselves as bona fide investors. The majority of the claims filed by the claimants are bogus and are not supported by any evidence corroborating with the facts or the claim as mentioned in the Writ Petitions.

It is respectfully submitted that the Hon'ble High Court at Allahabad, while inadvertently relying on false and frivolous FIRs, as well as Writ Petitions filed by third-party agents acting with mala fide intent, has erroneously passed the Impugned Orders. The continuation of these

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baseless claims at the pre-trial stage would result in grave injustice to the Petitioner and cause irreparable harm to the company's assets.

It is to be noted that the Enforcement Directorate ("**ED**") taking the advantage of the Impugned Interim Orders moved an application under Section 8(7) of the PMLA, 2002, allowing the claim filed by three claimants worth Rs. 14,61,520/- (Rupees fourteen lakhs sixty one thousand and five hundred twenty only), closing all the doors of trial for the Petitioner herein in complete violation of the provisions laid down by the PMLA, 2002.

In the light of aforesaid submissions, the Petitioner herein most respectfully prays for this Hon'ble Court's intervention to pass an order setting aside the Impugned Orders and to declare the second proviso of Section 8(8) of the PMLA 2002, to be ultra vires.

Hence the present petition for kind consideration of this Hon'ble Court.

LIST OF DATES & EVENTS

| DATES | PARTICULARS |
|--------------|---|
| 15.01.2013 | <p>The Petitioner herein along with other Directors/ Partners of Shine City started their business under the name and style of <i>Shine Valley</i> and after having carried out various successful projects, M/s Shine City Infra project Pvt. Ltd. (hereinafter referred to as the "Company") came to be incorporated on 15.01.2013 and was registered with ROC - Kanpur, UP with CIN U70102UP2013PTC054746. The Petitioner herein is one of the two directors of the said company who were acting as the administrator of the company and its sister concerns. The said company majorly dealt with real estate ventures and had started receiving huge investments soon after its incorporation. Various investors reposed their trust in the said company and also received possessions of the properties so booked by them. A true and typed copy of the Memorandum of Association of M/s Shine city Infra project Pvt. Ltd. is annexed <u>herewith</u> and <u>marked</u> as ANNEXURE P-1 (Pages 43 to 52). A true and typed copy of the Master Data of M/s Shine city Infra project Pvt. <u>Ltd.</u> is <u>annexed</u> herewith and marked as ANNEXURE P-2 (Pages 53 to 54).</p> |

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| 2013 - 2019 | <p>The said company launched and completed several projects, including "Pole Star City 1" in Kanpur Nagar and six projects in Lucknow, wherein projects were completed within definite time periods and the possession of over 10,000 plots were handed over to the buyers/ investors.</p> |
| | <p>On account of the expansive nature of the business being carried out by it, the said company got connected with various third - party agents who were working purely on commission basis and had no specific authorization to enter into any contract and/or agreement on behalf of the company unless and until a meeting was conducted and a Board of Resolution was passed to that effect.</p> |
| | <p>In a similar fashion the said company proposed six projects in District Lucknow viz. (i) VaidVihar, (ii) Zaviar City, (iii) Solitaire City, (iv) New Shine Valley, (v) Nature Valley and (vi) Paradise Valley wherein it has successfully handed over possession of 212 plots to the respective investors.</p> <p>Prominently, the third - party agents motivated by their <i>mala fide</i> intentions to misappropriate the assets of the company, started spreading rumours against the company in order to cause financial damage to the company as well as its reputation</p> |

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| 10.05.2019 | <p>In an unfortunate turn of events, several individuals were apprehended by the Nepal Police in a Hotel, in Kathmandu based on a complaint lodged against a Nepalese citizen, Mahendra Singh, who was present at the said location. These individuals, including co-accused - Rashid Naseem, had travelled to Nepal to participate in a three-day business workshop. However, it later transpired that the co-accused(s) along with other individuals were detained on account of the pending cases against Mahindra Singh and were later released and later acquitted.</p> |
| | <p>The deliberate misinformation campaign directly led to a series of legal proceedings being initiated by the investors, who were wrongfully led to believe that they had been defrauded.</p> <p>Significantly, from the bare perusal of the facts in the present case, it is amply clear that the Informant(s) had been a long - time investor of Shinecity Infra - Project Limited and had never raised any qualm or complaint against the said company prior to the concerned FIR, albeit, it was only after the cascade of FIRs which came to be lodged against the Group of companies associated with M/s. Shine City that the concerned FIR was also lodged in undue haste.</p> |

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| 30.09.2020 | Prakash Chandra Tiwari, one of the investors filed a complaint against the Petitioner herein leading to the registration of the FIR No. 0558 of 2020 under section 419, 420, 467, 468, 406 and 506 of the Indian Penal Code, 1860, in Police Station Civil Lines, district Prayagraj. A true typed copy of the FIR No. 0558 of 2020 filed by the Complainant against the Petitioner herein has been annexed herewith and marked as ANNEXURE P-3. (Pages 55 to 59) |
| | It is alleged in the above - mentioned FIR No. 0558 of 2020 that Mr. Prakash Chandra Tiwari along with his father Shri Lalta Prasad Tiwari had invested an amount totalling to Rs. 34,00,000/-(Rupees Thirty Four Lakhs) vide transactions dated 19.03.2019 and 20.03.2019, respectively, in Shine Group (Shine City) Company's investment scheme and Rs. 4,00,000/- (Rupees Four Lakhs) via cheque bearing no. 102774772383 dated 15.08.2019 in LTL (Larger than Life) scheme. |
| 21.01.2021 | Relying on the bogus and frivolous multiple FIRs the Directorate of Enforcement Lucknow Zonal Office registered the Case bearing no. ECIR/05/PMLA/LKZO/2021 against M/s Shine City Infra Project Pvt. Ltd., Rashid Naseem, Managing Director of M/s Shine City Infra Project Pvt. Ltd, the Petitioner herein, and others on the basis of bogus |

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| | and frivolous 226 FIRs under sections 409, 419, 420, 467, 471 and 120-B IPC 1860, registered by UP Police. |
| 01.11.2021 | As a consequence to the registration of the multiple FIRs, the Petitioner herein was arrested by the investigating agencies and is languishing in District jail, Varanasi for a period of more than 3 years. |
| | It is pertinent to emphasize that no offence has been committed by the said company or any of its Directors including the Petitioner herein. The present dispute is, in essence, a real estate business transaction that turned unprofitable due to a combination of factors, including the deliberate misinformation spread by vested parties and the adverse impact of the COVID-19 pandemic, in view whereof multiple criminal and civil proceedings came to be initiated against the said company, and despite its <i>bona fide</i> intention of repaying its investors and regaining their trust the said company was unable to do so which led to detriment of not just the company but also its investors. |
| | Following the registration of the multiple FIRs across the state of UP, the Directorate of Enforcement Lucknow Zonal Office registered the Case bearing no. ECIR/05/PMLA/LKZO/2021 which was recorded on 21.01.2021 on the basis of |

226 FIRs under sections 409, 419, 420, 467, 471 and 120-B IPC 1860, registered by UP Police against M/s Shine City Infra Project Pvt. Ltd., Rashid Naseem, Managing Director of M/s Shine City Infra Project Pvt. Ltd, the Petitioner herein namely, Asif Naseem, Director M/s Shine City Infra Project Pvt. Ltd. and others. Subsequent to the registration of the ECIR, the following Original Complaints under the Prevention of Money Laundering Act, 2002 have been filed by the Respondent Agency i.e., the Directorate of Enforcement against the petitioner, which may as follows:

1. O.C. No. 1846/2022 in Provisional Attachment Order (PAO) NO: 06/2022 dated 03.11.2022.
2. O.C. No. 1856/2022 in Provisional Attachment Order (PAO) NO:07/2022 dated 21.11.2022.
3. O.C. No. 1878/2023in Provisional Attachment Order (PAO) NO:08/2022 dated 12.12.2022.

| | |
|------------|--|
| | <p>4. O.C. No. 1955/2023 in Provisional Attachment Order (PAO) NO:02/2023 dated 29.03.2023.</p> <p>5. O.C. No. 2368/2023 in Provisional Attachment Order (PAO) NO:13/2024 dated 28.06.2024.</p> <p>It is worthwhile to mention here that all assets and properties registered in the name of the company, as well as those in the name of the accused have been attached by the Directorate of Enforcement pursuant to the aforementioned Provisional Attachment Orders. As a result, the Petitioner and the company were rendered incapable of settling the claims of the investors and claimants. Despite its genuine intent to repay the investors and restore their trust, the company was unable to meet its obligations. This failure has resulted in substantial harm, affecting not only the company's operations and reputation but also the financial interests and confidence of its investors.</p> |
| 31.01.2022 | The company through the Petitioner herein approached the Hon'ble High Court of Allahabad through Criminal Misc. Writ Petition No. |

| | |
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| | <p>2230/2022 – <i>Shine City Infra Project Pvt. Ltd. v. State of UP and Others.</i></p> |
| 18.12.2023 | <p>After the registration of the false and frivolous FIR No. 0558 of 2020 against the Petitioner herein, Prakash Chandra Tiwari filed a Criminal Misc. Writ Petition No. 20172 of 2023 under Article 226 of the Constitution of India before the Hon'ble Allahabad High Court. with following prayer:</p> <p>a. <i>Issue a writ, order, or direction in the nature of Mandamus thereby directing the respondents no. 1 & 6 to consolidate the balkanization of the ongoing investigation in the state and transfer a full - fledge investigation and inquire under the supervision of the Central Bureau of Investigation (CBI) extradite and arrest those persons to India invoke in the;</i></p> <p>b. <i>Issue a writ, order, or direction in the nature of Mandamus thereby directing the respondents no. 1 & 6 to recover the Customer Relationship Management (CRM) data and to trace, recover and arrest those individuals possessing & managing the proceeds of the</i></p> |

| | |
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| | <p><i>crime respectively to unveil this huge multi-billion scam in its true sense;</i></p> <p>c. <i>Issue a writ, order, or direction in the nature of Prohibition thereby directing the respondents state to submit a consolidated chargesheet of the scam and designate f.l. court for the conduct of trial of the scam;</i></p> <p>d. <i>Issue a writ, order, or direction in the nature of Mandamus directing the respondents state to return back the money deposited by the petitioner and other investor with 18% per annum interest to them;</i></p> <p>e. <i>Issue any other suitable writ, order or direction and/ or further order which this H'ble Court may deems fit and proper under the circumstances of the case.</i></p> <p>A true typed copy of the Criminal Misc. Writ Petition No. 20172 of 2023 before the Hon'ble Allahabad High Court has been annexed herewith and marked as ANNEXURE P-4. (Pages 60 to 108)</p> |
| 01.07.2024 | The Hon'ble Allahabad High Court disposed of the Criminal Misc. Writ Petition No. 2230/2022, titled |

| | |
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| | <p>as <i>Shine City Infra Project Pvt. Ltd. v. State of UP and Others</i> petition with the following direction:</p> <p><i>"7. After hearing the rival contentions, the Court is of the view petitioner has statutory remedy of applying for bail before the competent court under Section 439 CrPC which he may avail. This Court does not finds it appropriate to exercise its powers under Article 226 in favor of the petitioner, keeping in view the entire facts and circumstances of the case."</i></p> |
| 01.07.2024 | <p>The Hon'ble Allahabad High Court in Criminal Misc. Writ Petition No. 20172 of 2023 titled as <i>Prakash Chandra Tiwari v. Union of India & Ors.</i>, erroneously, passed an order stating:</p> <p><i>".... This Court is of the view that during the pendency of the writ petition the special court be directed to consider the claim of the petitioner as per Section 8 of the Act aforesaid within a period of five months from the date of production of the certified copy of this order along with the claim. Certified copy of this order along with claims shall be filed before Special Court within 10</i></p> |

| | |
|------------|---|
| | <p><i>days. The decision shall be taken by the special court on the claim in accordance with law and on the basis of material brought before the Court by the petitioner in support of his claim.</i></p> <p><i>List this petition again after five months i.e., on 16.12.2024."</i></p> |
| | <p>Subsequent to the passing of the afore - annexed order, various investors have approached the concerned Court of the Special Judge, Anti - Corruption/ CBI (West), Lucknow, and their claims are under verification.</p> |
| 04.09.2024 | <p>The Bail Application No. 6835/2024 titled <i>Asif Naseem v. State of UP</i> filed before the court of the Ld. Add. Session Judge, Lucknow by the Petitioner was dismissed.</p> |
| 24.09.2024 | <p>The Hon'ble Allahabad High Court passed an order in Criminal Misc. Writ Petition No. 17232 of 2024 titled as <i>Amit Kumar Gautam & Ors. v. Union of India</i>, stating that there is lack of clarity in respect of the claim put forth by the petitioner further stating that <i>prima facie</i> it appears to be a case where the petitioners are investors of the</p> |

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| | <p>company who want return of their money. Their claim at best is against the eighth respondent-Company, which can be enforced in appropriate proceedings before the competent forum. A copy of the order dated 24.09.2024 passed by Hon'ble Allahabad High Court in Criminal Misc. Writ Petition No. 17232 of 2024 has been annexed herewith and marked <u>as ANNEXURE P-5. (Pages 109 to 121)</u></p> |
| 5.12.2024 | <p>The Petitioner herein was granted bail in the Criminal Miscellaneous Bail Application, bearing No. 38100 of 2024, titled <i>Asif Naseem v. State of Uttar Pradesh</i>, by the Hon'ble High Court of Allahabad Case Crime No. 1554 of 2019 registered at Police Station Cantt., District Varanasi.</p> |
| 11.12.2024 | <p>The Special Court at Lucknow passed two orders in the Petitions bearing Nos. Criminal Misc. Cases No. 1131/2024 Criminal Misc. Cases No. 953/2024 respectively accepting the Petition of the claimants filed under Section 8(7) of the PML Act. A true typed copy of the orders dated 11.12.2024 has been annexed herewith and marked as ANNEXURE P-6. (Pages 122 to 133)</p> |

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| 16.12.2024 | <p>The Hon'ble High Court again in Criminal Misc. Writ Petition No. 20172 of 2023, titled as <i>Prakash Chandra Tiwari v. Union of India and 13 others</i>, in continuation of the order dated 01.07.2024, again passed an order without applying its judicial mind wherein it stated that:</p> <p><i>"6. This Court directs that the claimants, whose interests are involved in this case, are free to prefer their claims before the special court within period of two months from today. The court will issue a fresh notification in this regard as issued by it earlier on 14.11.2024, granting two months' time to all the interested investors to prefer their claims, whether they have filed any writ petition before this Court or not would be inconsequential."</i></p> |
| 30.01.2025 | Hence the present petition. |

¹
Court No. - 48 BEFORE HON'BLE HIGH COURT OF
JUDICATURE AT ALLAHABAD

Case :- CRIMINAL MISC. WRIT PETITION No. - 20172 of
2023

Petitioner :- Prakash Chandra Tiwari

Respondent :- Union Of India And 13 Others

Counsel for Petitioner :- Gaurav Gulati, Rishabh Raj

Counsel for Respondent :- A.S.G.I., G.A., Pawan Kumar
Srivastava, Sanjay Kumar Yadav

Hon'ble Siddharth, J.

Hon'ble Brij Raj Singh, J.

Heard Sri Rishabh Raj, learned counsel for the petitioner, Sri Shashi Prakash Singh, learned Additional Solicitor General assisted by Sri Manoj Kumar Singh, Central Government Counsel for respondent no.1 and 4, Sri Sanjay Kumar Yadav for respondent no.2, Sri Rohit Tripathi for respondent no.3, Sri A.K. Sand, learned Government Advocate assisted by Sri Roopak Chaubey for respondent no.5 to 8, Sri Ashish Deep Verma, learned counsel for respondent no.9.

Learned counsel for the petitioner submits that as an interim measure respondents be directed to return back the money deposited by the petitioner and other investors with 18 per cent interest per annum to them from the date of deposit before the respondent no.9, the defaulter company.

Sri Rohit Tripathi, learned counsel appearing for respondent no.3, Enforcement Directorate, has submitted that the petitioners have statutory remedy under Section 8 of the Prevention of Money Laundering Act, 2002, the last proviso whereof provides that the special court may, if it thinks fit, consider the claim of the claimants for the purpose of restoration of the property in dispute during the pendency of trial. He has further submitted that the money being sought to be refunded to the petitioners is defined under the definition of "property" in Section 2(1) (v) of the Act aforesaid.

After hearing the rival contentions, this Court deems it appropriate to refer to Section 2(1) (v) and Section 8 of the Prevention of Money Laundering Act, 2002 quoted hereinbelow :

Section 2. Definition.

(1) (v) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located;

Explanation.—For the removal of doubts, it is hereby clarified that the term "property" includes property of any kind used in the commission of an offence under this Act or any of the scheduled offences;

Section 8. Adjudication.

(1)On receipt of a complaint under sub-section (5) of section 5, or applications made under sub-section (4) of section 17 or under sub-section (10) of section 18, if the Adjudicating Authority has reason to believe that any person has committed an [offence under section 3 or is in possession of proceeds of crime] [Substituted by Act 21 of 2009, Section 5, for "offence under section 3".], it may serve a notice of not less than thirty days on such person calling upon him to indicate the sources of his income, earning or assets, out of which or by means of which he has acquired the property attached under sub-section (1) of section 5, or, seized [or frozen] [Inserted by Act No. 2 OF 2013] under section 17 or section 18, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties should not be declared to be the properties involved in money-laundering and confiscated by the Central Government:

Provided that where a notice under this sub-section specifies any property as being held by a person on behalf of any other person, a copy of such notice shall also be served upon such other person:

Provided further that where such property is held jointly by more than one person, such notice shall be served to all persons holding such property.

(2)The Adjudicating Authority shall, after

(a)considering the reply, if any, to the notice issued under sub-section (1);

(b)hearing the aggrieved person and the Director or any other officer authorised by him in this behalf; and

(c)taking into account all relevant materials placed on record

before him,

by an order, record a finding whether all or any of the properties referred to in the notice issued under sub-section (1) are involved in money-laundering:

Provided that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering.

(3)Where the Adjudicating Authority decides under sub-section (2) that any property is involved in money-laundering, he shall, by an order in writing, confirm the attachment of the property made under sub-section (1) of section 5 or retention of property or [record seized or frozen under section 17 or section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property] [Substituted for the words "record seized under section 17 or section 18 and record a finding to that effect, such attachment or retention of the seized property" by Act No. 2 OF 2013] or record shall

(a)continue during [investigation for a period not exceeding [three hundred and sixty-five days] [Inserted by Finance Act, 2018 (Act No. 13 of 2018) dated 29.3.2018.] or] the pendency of the proceedings relating to any [offence under this Act before a court or under the corresponding law of any other country, before the competent court of criminal jurisdiction outside India, as the case may be; and]

(b)[become final after an order of confiscation is passed under sub-section (5) or sub-section (7) of section 8 or section 58 B or sub-section (2A) of section 60 by the Adjudicating Authority]

[Explanation. - For the purposes of computing the period of three hundred and sixty-five days under clause (a), the period during which the investigation is stayed by any court under any law for the time being in force shall be excluded.]

(4)Where the provisional order of attachment made under sub-section (1) of section 5 has been confirmed under sub-section (3), the Director or any other officer authorised by him in this behalf shall forthwith take the [possession of the property attached under section 5 or frozen under sub-section (1A) of section 17, in such manner as may be prescribed:

Provided that if it is not practicable to take possession of a property frozen under sub-section (1A) of section 17, the order of confiscation shall have the same effect as if the property had been taken possession of.]

(5)[Where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.

(6)Where on conclusion of a trial under this Act, the Special Court finds that the offence of money-laundering has not taken place or the property is not involved in money-laundering, it shall order release of such property to the person entitled to receive it.

(7)Where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of the property, as the case may be, involved in the offence of money-laundering after having regard to the material before it.]

[(8) Where a property stands confiscated to the Central Government under sub-section (5), the Special Court, in such manner as may be prescribed, may also direct the Central Government to restore such confiscated property or part thereof of a claimant with a legitimate interest in the property, who may have suffered a quantifiable loss as a result of the offence of money laundering:

Provided that the Special Court shall not consider such claim unless it is satisfied that the claimant has acted in good faith and has suffered the loss despite having taken all reasonable precautions and is not involved in the offence of money laundering]:

[Provided further that the Special Court may, if it thinks fit, consider the claim of the claimant for the purposes of restoration of such properties during the trial of the case in such manner as may be prescribed.]

This Court after considering the entire facts and circumstances of this case finds that the petitioner, who claims himself to be investor in the Company of respondent no.9, invested certain amount, details whereof have been given in the petition. This Court is of the view that during the pendency of the writ petition the special court be directed to consider the claim of the petitioner as per Section 8 of the Act aforesaid within a period of five months from the date of production of the certified copy of this order along with the claim. Certified copy of this order along with claims shall be filed before Special Court within 10 days. The decision shall be taken by the special court on the claim in accordance with law and on the basis of material brought before the Court by the petitioner in support of his claim.

List this petition again after five months i.e., on 16.12.2024.

On the next date the court below will send the copy of the order passed by it to this Court.

The District Judge concerned will see that the matters are assigned in such a manner so that the special court is able to decide the claims within the time frame provided by this court and all assistance to the special court for deciding these cases on priority basis shall be provided.

Learned Additional Solicitor General appearing for Union of India informs that prayer for extradition of main accused, Rashid Naseem, who is hiding in Dubai has been forwarded to the Government of United Arab of Emirates but as yet it has not responded.

The Ministry of External Affairs is expected to send reminder to the Government of United Arab of Emirates for expediting the process of extradition of aforesaid accused and the progress of efforts made by the Ministry of External Affairs shall be brought before this Court on the next date fixed by filing an affidavit of a responsible official of the Ministry of External Affairs.

Progress report in sealed cover presented by counsel for Enforcement Directorate, Sri Rohit Tripathi, is taken on record. Affidavit of compliance filed on behalf of State of UP is also taken on record. Status report submitted by learned Additional Solicitor General of India on behalf of SFIO is also taken on record.

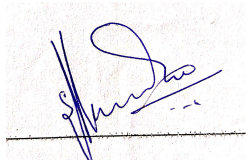
Sri Ravi Gautam, Investigating Officer of this case is present, Dr. Pemmaiah, Deputy Director and Supervising Officer of this case

for Enforcement Directorate is also present. Umesh Chandra Gupta, Senior Assistant Director for SFIO is also present. Their personal appearances are exempted until further orders.

Order Date :- 1.7.2024

Priya

(Brij Raj Singh, J.) (Siddharth, J.)



Court No. - 48

ALLAHABAD

Case :- CRIMINAL MISC. WRIT PETITION No. - 20172 of 2023

Petitioner :- Prakash Chandra Tiwari

Respondent :- Union Of India And 13 Others

Counsel for Petitioner :- Anurodh Tripathi, Deepak Kumar Singh, Gaurav Gulati, Mukesh Kumar Pandey, Neeraj Kumar Pandey, Pankaj Kumar Shukla, Ram Pal Singh, Rishabh Raj, Sanjay Kumar, Yogesh Kumar Srivastava

Counsel for Respondent :- A.S.G.I., G.A., Manoj Kumar Singh, Pawan Kumar Srivastava, Sanjay Kumar Yadav

Hon'ble Siddharth, J.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Mr. Satyendra Nath Srivastava, Mr. Rizvi Rai, Mr. Manoj Srivastava, Mr. Sunil Kumar, Mr. Manoj Kr. Mishra, Mr. Gaurav Gulati, Mr. Mridul Tripathi, Mr. Sitesh Kumar, Mr. Sanjay Kumar Yadav, Mr. Niraj and Mr. Ashutosh Shukla, learned counsel for the petitioners and Mr. Shashi Prakash Singh, learned Addl. Solicitor General of India for the Union of India assisted by Mr. Manoj Kumar Singh, the Central Government counsel for respondent No.1; Mr. Gyan Prakash, learned Senior Advocate assisted by Mr. Sanjay Kr. Yadav, learned counsel for the C.B.I./respondent No.2, Mr. Rohit Tripathi, learned counsel for the Enforcement Directorate/respondent No.3 and Mr. Manish Goyal, learned A.A.G. assisted by Mr. Rupak Chaubey, learned A.G.A.-I for respondents Nos. 5 to 8 as well as Sri Ravi Gautam, Investigating Officer of Enforcement Directorate.

2. Progress reports of investigation placed by Sri Rohit Tripathi, learned counsel for the Enforcement Directorate and Sri Rupak Chaubey, learned A.G.A.-I on behalf of the State, are taken on record.

3. On 1.7.2024, this Court directed the Special Judge, PMLA Court to decide the claims, preferred by the investors of the company/respondent No.9 within a period of five months and the matter was directed to be posted today. The court was also directed to send a report in this regard to this Court which has not been sent.

4. Learned counsel for the respondents pray that four months' further time may be granted so that the claims, preferred before the Special Judge, may be decided since lots of modalities are to be sorted out which is taking time and it is not possible for the special court to decide the claims within the time provided by interim order dated 1.7.2024.

5. Learned counsel for the petitioners agree that the special court is proceeding as per the interim order dated 1.7.2024 of this Court and claims are being processed. It has been further submitted that large number of the claimants have yet not preferred claims and they have been deprived of the opportunity of making claims despite having legitimate claims.

6. This Court directs that the claimants, whose interests are involved in this case, are free to prefer their claims before the special court within period of two months

from today. The court will issue a fresh notification in this regard as issued by it earlier on 14.11.2024, granting two months' time to all the interested investors to prefer their claims, whether they have filed any writ petition before this Court or not would be inconsequential.

7. List this case again on 21.4.2025. By that date the special court will send its report, regarding efforts made by the special court for compliance of the order dated 1.7.2024 of this Court and the order passed today.

8. This Court does not find compliance of earlier interim order dated 1.7.2024 by the special court by sending its report to this Court.

9. Mr. Shashi Prakash Singh, learned Addl. Solicitor General of India for the Union of India, assisted by Mr. Manoj Kumar Singh and Mr. Rohit Tripathi, have informed the Court that the Investigating Officer of these cases is due to be repatriated to his parent department in February, 2025. He submits that as the Investigating Officer is well conversant with that facts of this case, it would be in the interest of justice that he should be retained and permitted to continue with the investigation of the cases.

10. We are of the view that it would be proper for the respondents to file an appropriate application before the court concerned in this regard which shall consider the prayer of the respondents and pass appropriate orders.

11. Learned counsel for the Union of India will file affidavit regarding repatriation issue of the main accused on or before the next date.

12. Connect this case with Criminal Misc. Writ Petitions No. 15399 of 2024, 16180 of 2024, 16310 of 2024, 16578 of 2024, 16579 of 2024, 16977 of 2024, 16986 of 2024, 17002 of 2024, 16997 of 2024, 17035 of 2024, 17079 of 2024, 17033 of 2024, 17870 of 2024, 17853 of 2024, 17827 of 2024, 17838 of 2024, 17845 of 2024, 17844 of 2024, 20593 of 2024, 20584 of 2024, 20577 of 2024, 20588 of 2024, 20578 of 2024, 20587 of 2024, 21808 of 2024, 21733 of 2024, 21723 of 2024, 21702 of 2024, 21701 of 2024, 21703 of 2024, 2200 of 2022, 18440 of 2024, 16528 of 2024, 17257 of 2024, 18718 of 2024, 13993 of 2024, 15145 of 2024, 15153 of 2024, 17600 of 2024, 13565 of 2024, 16828 of 2024, 10553 of 2021, 10093 of 2024, 15669 of 2024, 22720 of 2024.

13. Interim orders, passed in this case on 1.7.2024 as well as on date, will be applicable to all the connected writ petitions and their benefit shall be extended to all the claimants, whose interests are involved in the present dispute, irrespective of their filing any petition or not before this Court. This order shall be applicable to all other writ petitions pending before this Court too, which have not been connected to this writ petition till date.

IN THE SUPREME COURT OF INDIA**CRIMINAL APPELLATE JURISDICTION****SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025****(WITH PRAYER FOR INTERIM RELIEF)**

(Special Leave Petition arising out of the Impugned Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023)

IN THE MATTER OF:-

Asif Naseem

S/o Naseem Ahmed,

R/o 176/14, Keshri Colony,

GTV Nagar, Prayagraj, U.P.

(Presently lodged in District Jail, Varanasi)

... PETITIONER

Versus

1. UNION OF INDIA
Ministry of Home Affairs,
Through its Secretary,
North Block New Delhi
PIN- 110001
2. STATE OF UTTAR PRADESH
Through its Principal Secretary
(Home), Government of UP,
Lucknow, 1st to 3rd Floor,
Lal Bahadur Shastri Bhawan
(Annex Building)
Sarojini Naidu MArg,
Lucknow, UP- PIN-226001.
3. The Directorate of Enforcement
Through Joint Director (Admin)
Directorate of Enforcement
Pravartan Bhawan, APJ Abdul Kalam Road
New Delhi – 110 011

4. Central Bureau of Investigation (CBI) through it's Director, 1st Floor, CGO Complex, Block No. 3, Lodhi Road, New Delhi - 110003
5. Serious Fraud Investigation Office (SFIO) through it's Director, 2nd Floor Paryavaran Bhawan Lodhi Road, CGO Complex, New Delhi - 110001, India
6. Economic Offence Wing (EOW Uttar Pradesh), through it's Director Police Head Quarters, Signature Building EOW 4th Floor, Tower - 3, Lucknow, Uttar Pradesh - 226002
7. Director General of Police, Uttar Pradesh, Lucknow
8. Senior Superintendent of Police of Prayagraj, U.P.
9. Prakash Chandra Tiwari
S/o., ShriLaltaPrasadTiwari,
R/o., 313, NaiBasti, SohabatiyaBagh,
District - Prayagraj
10. Mohd. Jasim Khan
S/o Mohd Naseem Khan Chak Imamali Saha Ji
Ka Pura, Nani, Allahabad Uttar Pradesh
11. Mohd. Jasim Khan
S/o Mohd Naseem Khan
Chak Imamali Saha Ji
Ka Pura, Nani, Allahabad Uttar Pradesh
12. Neeraj Srivastava Rio
18 18A, 1 Floor, Mahatma Gandhi Marg
Civil Lines Prayagraj, Uttar Pradesh-211001, India.
13. Mohd. Javed Iqbal
S/o Mohd. Umar Farooque,
R/o 141/120A, Ganga Ganj Pura,
Manobardas Li Baghiya. Kareli,
Prayagraj, Uttar Pradesh-211016

...ALL ARE CONTESTING RESPONDENTS

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India praying for Special Leave to Appeal against the Impugned Orders dated 01.07.2024 and 16.12.2024 (hereinafter referred to as "**Impugned Orders**"), passed by the Hon'ble High Court, Allahabad bench in Criminal Misc. Writ Petition (Crl.) No. 20172 of 2023, titled as Praksh Chandra Tiwari v. Union of India & Ors.

2. QUESTION OF LAW:

The substantial question of law which arise for kind consideration of this Hon'ble Court, are as follows:

I. Whether the Hon'ble High Court erred in interpreting the provisions of Section 8(5) and Section 8(8) of the PML Act, which when read together explicitly mandates that confiscation of property with the Central Government and its subsequent restoration to claimants can occur only upon the conclusion of the trial?

II. Whether Section 8(8) of the PML Act and Proviso (2) thereto are internally contradictory, inasmuch as, while making reference to Section 8(5) mandates the restoration of legitimate claims only upon the conclusion of trial before the Special Court, while the statute permits such restoration during the pendency of the trial before the Special Court?

III. Whether in the light of the Impugned Orders, the restoration of properties to claimants under Proviso (2) to Section 8(8) of the Act frustrates the statutory scheme governing attachment of properties and the right of appeal available to the accused?

IV. Whether the provision for restoration of property to a claimant during the pendency of trial under Proviso (2) to Section 8(8) of the PML Act read with Rule 3-A of the Prevention of Money Laundering (Restoration of Property) Rules, 2016, is in conflict with Section 8(6) of the Act, which mandates the release of property to the person entitled to it only upon the conclusion of trial and upon a finding by the Special Court that the offence of money laundering has not taken place?

V. Whether in light of the Impugned Orders the Special Court in Lucknow has acted illegally by passing orders for restoration of property in at least three Petitions of the Claimants filed under Section 8(7) of the PML Act without even affording the opportunity of hearing to the Petitioner herein?

VI. Whether the restoration of properties to claimants under Proviso (2) of Section 8(8) of the PML Act is in contravention of the first principles of criminal jurisprudence thereby making it unconstitutional, particularly with regard to the rights of the accused and the legal processes governing the attachment and forfeiture of property in the absence of conviction?

VII. Whether the Impugned Orders violate the Petitioner's fundamental right guarantees under Article 21 of the Constitution of India by not affording him a reasonable opportunity to defend himself and by rendering decisions with serious penal and civil consequences during the pendency of the trial, particularly when the Petitioner has been incarcerated for over three years without any charges being framed.

3. DECLARATION IN TERMS OF RULE 3(2):

The Petitioner states that no other petition seeking leave to appeal has been filed by them against the Impugned Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court, Allahabad bench in Criminal Misc. Writ Petition (Crl.) No. 20172 of 2023, titled as Prakash Chandra Tiwari v. Union of India & Ors.

4. DECLARATION IN TERMS OF RULE 6:

The Annexures P-1 to P-9 produced along with the Special Leave Petition are true copies of the pleadings/ documents which formed part of the records of the case in the Court/ Tribunal below against whose order the leave to appeal is sought for in this petition.

5. **GROUND:-**

The Petitioner herein is seeking the intervention of this Hon'ble Court on the following grounds:

A. BECAUSE the Petitioner herein, humbly seeks the intervention of this Hon'ble Court to challenge the orders dated 01.07.2024 and 16.12.2024 passed in Criminal Misc. Writ Petition No. 20172 of 2023, titled as *Prakash Chandra Tiwari v. Union of India & Ors.*, directing the Special Court to consider the claim of the Petitioner and all the other claimants as per section 8 of the PMLA, 2002 within a period of 5 months during the pendency of the trial further extending the limitation period for two months issuing fresh notification. Orders dated 01.07.2024 and 16.12.2024, respectively, reads as:

".... This Court is of the view that during the pendency of the writ petition the special court be directed to consider the claim of the petitioner as per Section 8 of the Act aforesaid within a period of five months from the date of production of the certified copy of this order along with the claim. Certified copy of this order along with claims shall be filed before Special Court within 10 days. The decision shall be taken by the special court on the claim in accordance with law and on the basis of material brought before the Court by the petitioner in support of his claim.

List this petition again after five months i.e., on 16.12.2024."

"6. This Court directs that the claimants, whose interests are involved in this case, are free to prefer their claims before the special court within period of two months from today."

- B. BECAUSE** the intent of the Act may be understood from Section 8(5) of the PMLA, 2002 which clearly delineates that the claims would be settled at the conclusion of the trial, ensuring that the accused has a fair opportunity to present their case without prejudice. Section 8(5) of PMLA, 2002 reads as:

"(5) Where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government."

- C. BECAUSE** Section 8(8) of the Prevention of Money Laundering Act, 2002, specifically provides for the remedy of settling the claims of the claimants after the *conclusion of the trial*, wherein the properties attached have been confiscated to the Central Government, the Special Court "may" direct restoration of the confiscated property or

part thereof of a claimant who has suffered a quantifiable loss. Section 8(8) of the Prevention of Money Laundering Act, 2002 reads as:

"(8) Where a property stands confiscated to the Central Government under sub-section (5), the Special Court, in such manner as may be prescribed, may also direct the Central Government to restore such confiscated property or part thereof of a claimant with a legitimate interest in the property, who may have suffered a quantifiable loss as a result of the offence of money laundering"

D. BECAUSE however the second proviso to Section 8(8) of PMLA, 2002, empowers the Special Courts to *consider the claims of the claimant during the pendency of the trial*. This raises serious concerns as it fails to provide the accused a reasonable opportunity to be heard, particularly when they are incarcerated for extended durations beyond three years. The second proviso to Section 8(8) of the PMLA, 2002, reads as follows,

"Provided further that the Special Court may, if it thinks fit, consider the claim of the claimant for the purposes of restoration of such properties during the trial of the case in such manner as may be prescribed."

- E. BECAUSE** Section 8(8) of the PML Act, while referring to Section 8(5), explicitly provides that legitimate claims over attached property shall be restored only upon the conclusion of the trial before the Special Court. However, Proviso (2) to Section 8(8) permits the restoration of property even during the pendency of the trial, creating an inherent contradiction within the statutory framework. This inconsistency leads to legal uncertainty and an interpretation that is not only inconsistent with the scheme of the PML Act but also prejudicial to the rights of the accused. A fair and purposive construction of the statute necessitates a harmonious interpretation that ensures a logical and structured process of attachment, adjudication, appeal, and eventual restoration of property. Any interpretation that permits premature restoration before the trial's conclusion risks frustrating the statutory safeguards, particularly in cases where the accused may ultimately be acquitted and entitled to the release of their property.
- F. BECAUSE** the provision for restoration of property to a claimant during the pendency of trial under Proviso (2) to Section 8(8) of the PML Act read with Rule 3-A of the Prevention of Money Laundering (Restoration of Property) Rules, 2016 ("**2016 Rules**"), is in direct conflict with Section 8(6) of the Act, which explicitly mandates that property shall be released only upon the conclusion of trial and upon a finding by the Special Court that the offence of money

laundering has not taken place. The Hon'ble High Court, while passing the Impugned Orders, failed to consider this contradiction, thereby frustrating the statutory scheme of attachment, adjudication, and release of property under the Act. Such an interpretation undermines the legislative intent and leads to an anomalous situation where property may be restored before the final determination of guilt or innocence, contrary to the settled principles of law.

G. BECAUSE in the light of the Impugned Orders the Special Court in Lucknow has acted illegally and in violation of the principles of natural justice by passing orders for restoration of property in at least three petitions filed by the claimants under Section 8(7) of the Prevention of Money Laundering Act, 2002, without affording the Petitioner an opportunity of hearing. The right to be heard is a fundamental tenet of fair procedure, and the denial of such an opportunity to the Petitioner vitiates the proceedings.

It is significant to point out at this juncture that Section 8(7) of PMLA, 2002 says that "..... where the trial under this act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall on an application moved by the Director or the Person claiming to be entitled to the possession of the property in respect of which an order has been passed under Sub-section 3(8), pass appropriate

orders regarding confiscation or release of the property....” But in the present case the trial has commenced and is at a pre-trial stage and trial is yet to be concluded and final order is yet to be passed. In spite of that, in derogation of the said statutory provision the Respondent has acted in haste and confiscated the property of the Petitioner herein, prior to the completion of the trial and also before passing of the final order by the Ld. Special Court.

- H. BECAUSE** the Special Court misinterpreted the Impugned Orders passed by the Hon’ble High Court to "*Consider the claim of the claimant*" and passed a direction of restoring the claim worth Rs. 14,61,520/- (Rupees fourteen lakhs sixty one thousand and five hundred twenty only), of the three claimants named Neeta Verma, Husna Bano and Subh Narayan Sharma in Criminal Misc. Case No. 1131 of 2024, Criminal Misc. Case No. 953 of 2024, Criminal Misc. Case No. 1014 of 2024 by attaching four properties of the Petitioner herein and the company worth Rs. 3,82,10,000/- (Rupees three crores eighty two lakh ten thousand only) to be sold by auction at pre-trial stage.
- I. BECAUSE** the Petitioner herein is aggrieved by the constitutional validity of the second proviso to Section 8(8) of the PMLA, 2002 which allows for settlement of claims during the pendency of trials. It is respectfully submitted that the said proviso is in direct contradiction to Section 8(5) of the

PMLA and thereby undermines the due process rights guaranteed under the Constitution of India.

- J. BECAUSE** the second proviso to Section 8(8) provides for exercise of discretion by the Special Court but only in the situations where the said court "*thinks fit*" to consider the claim of the claimant for the purpose of restoration of the claim during the pendency of the trial. This implies that the Special Court is the forum to which the claimant is supposed to apply for seeking consideration of the claim. Thus, the manner in which the claim or the claimant is to be entertained is in accordance with the procedure known to the law which in present case in hand is PMLA, 2002.
- K. BECAUSE** the expression "*Special Court may, if it thinks fit*", would not only mean exercise of judicial discretion by Special Court simpliciter but it would be accompanied by stated reason which would or would not favour the consideration of the claim made by the claimant.
- L. BECAUSE** the second proviso to Section 8(8) of PMLA, 2002 impliedly declares the Petitioner herein a "*Convict*" without even going through the trial, in violation of Principles of Natural Justice i.e., "*Audi Alteram Partem*" meaning, hear the other party, insuring every party involved in a dispute or legal matter is given an opportunity to present their case and respond to allegations or evidence against them but in the present case in hand the Petitioner has been declared a convict virtually

- M. BECAUSE** the inconsistency between Section 8(5) and the said proviso creates ambiguity and may lead to arbitrary action against individuals accused under the PMLA, 2002. Such a provision effectively denies the accused a fundamental right to a fair hearing and undermines the principles of natural justice and fair trial, as laid down in Article 21 of the Constitution.
- N. BECAUSE** the Hon'ble Courts and the adjudicating authorities are obligated to provide reasons for their decisions/ orders ensuring transparency and accountability whereas in the instant case the Impugned Orders have been passed in gross violation of the principles of natural justice, without providing any reason for directing all the claimants to file for settling their claim at pre - trial stage. It is a settled law that the "*reason*" is the heartbeat of every conclusion, and without the same it becomes lifeless as held by Hon'ble Supreme Court in ***Raj Kishore Jha v. State of Bihar and Ors., 2003 (11) SCC 519,***
- "Therefore, an order without valid reasons cannot be sustained. To give reasons is the rule of natural justice. One of the most important aspects for necessitating recording reason is that it substitutes subjectivity with objectivity."*
- O. BECAUSE** where the Courts have not recorded reasons in the judgment, legality, propriety and correctness of the orders by the Court of competent jurisdiction are challenged

in absence of proper discussion. The requirement of recording reasons is applicable with greatest rigor to the judicial proceedings. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the applicant.

- P. BECAUSE** the Impugned Orders Dated 01.07.2024 and 16.12.2024 have been passed in violation of the Article 21 of the Constitution of India and Principles of Natural Justice as the reasonable opportunity of being heard has not been given to the Petitioner herein, who has been put behind the bars for more than three years.
- Q. BECAUSE** the Petitioner herein respectfully submits that the denial of an adequate opportunity to defend its case, as evidenced by the Impugned Orders Dated 01.07.2024 and 16.12.2024, respectively, and thereby granting two months' time to all the interested investors to prefer their claims without affording the Petitioner herein a fair chance to contest is beyond the intent of the and constitutes a gross violation of the principles of natural justice.
- R. BECAUSE** the Petitioner herein submits that the Impugned Orders are violative of the fundamental rights of the Petitioner herein under Article 21 of the Constitution of India, which guarantees the "Right of fair hearing". The act of permitting all claimants to submit their claims, without affording the Petitioner herein an opportunity to defend his stance with respect to the claims made by other claimants,

constitutes a denial of the Principles of Natural Justice and procedural fairness. The Petitioner, as a party whose rights are directly affected by such claims, has been deprived of a fair and reasonable opportunity to contest or respond to the claims made in the writ petition.

S. BECAUSE the Hon'ble Supreme Court must recognize that the Petitioner herein is entitled to a fair and impartial hearing, as laid down under the Principles of Natural Justice, which are implicit within the right to life and personal liberty under Article 21. Any order or decision taken by an authority or body affecting the rights of the Petitioner herein must be made after providing an adequate and equal opportunity to be heard, in accordance with established legal standard as held by the Hon'ble Supreme Court in *Mrs. Maneka Gandhi v. Union of India*, (1978) SCC 248 that,

"91.....Let us not forget that Article 21 clubs life with liberty and when we interpret the colour and content of 'procedure established by Law' we must be alive to the deadly peril of life being deprived without minimal processual justice, legislative callousness despising 'hearing' and fair opportunities of defence. And this realization once sanctioned, its exercise will swell till the basic freedom is flooded out."

T. BECAUSE the Impugned Orders has been passed in ignorance of the fact that the majority of the complainants as well as the Writ Petitions seeking refund

as claimant are false, frivolous and bogus. These are the malice third - party agents who in collusion with some of the claimants, after taking money in their personal accounts have been filing false, fabricated and frivolous complaints as well as Writ Petitions against the company in order to extort more money from the company.

- U. BECAUSE** these third - party agents including but not limited to Arpit Shukla, Amit Kumar Guatam, S.N. Sharma and others have filed false and bogus complaints as well as the Writ Petitions against the company claiming money as investors in the company in order to extract more money from the company and to hide the illegitimate conducts.
- V. BECAUSE** the former legal representative of the company, Mridul Tripathi also profited a lot by misusing the responsibilities and authorities given to him by the company. He misused and fabricated the documents provided by the company, took money from the genuine claimants and then filed false and bogus cases against the company.
- W. BECAUSE** Swati Bernwal, one of the claimants, was also amongst the active malice third - party agents who profited immensely with the company, got money transferred in their personal accounts from the genuine claimants and then filed false and frivolous complaints as

well as the Writ Petitions against the company, claiming as an investor.

- X. BECAUSE** the Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 17232 of 2024, titled as *Amit Kumar Gautam & Ors. v. Union of India*, filed by one of the claimants, rightly observed that there is lack of clarity in respect of the claim put forth by the petitioner and passed an order stating as follows:

"11. ... There is nothing on record to show that any adjudication by a competent court has yet been made holding that any property has been declared as a property acquired from the proceeds of offence defined under Section 3 of the Act, 2002. There is also nothing on record to show that such property has been confiscated in favour of the Central Government. Unless the confiscation as per law comes into existence the question of release of the confiscated property by having resort to sub section 8 of Section 8 or the Rules of 2016 would not arise. The petitioners have otherwise not specified any property which allegedly is confiscated in favour of the Central Government."

- Y. BECAUSE** the company i.e., Shine City Pvt. Ltd. is engaged in the business of real estate, particularly in developing housing projects for investors and purchasing land for new projects, who utilised the money received from the claimants

for purchasing land for building housing structures as promised by the Petitioner herein, therefore the properties attached does not fall under the definition of proceeds of crime.

Z. BECAUSE the Petitioners herein and the Directors/ partners of the company were and are willing to fulfil their promise made to the *bona fide* and legit investors by completing the projects put on hold because of these false, fabricated and bogus criminal lawsuits.

AA. BECAUSE the Hon'ble High Court has erred in passing the impugned orders, erroneously treating the present case as an open and shut case, and failing to apply the legal standards required for the adjudication of such matters. The Court did not demonstrate or even address the essential nexus between the alleged offense, the proceeds of crime, and the commission of the offense of money laundering, which is fundamental to the legal framework governing the attachment, confiscation, and restoration of properties. The absence of any proper analysis or reasoning in this regard renders the impugned orders legally flawed and contrary to the established principles of criminal jurisprudence and statutory provisions under the relevant laws. Such an approach undermines the rights of the accused and the procedural safeguards inherent in the law, thereby warranting intervention by this Hon'ble Court.

BB. BECAUSE in view of the facts and circumstances of the present case, there is no direct or indirect link between the Petitioner's financial transactions and any scheduled offences under the PMLA, 2002. Therefore, as the Petitioner's financial transactions primarily involve business disputes, they do not come under the purview of "*proceeds of crime*".

CC. BECAUSE it is evident from the definition of "*money laundering*" under Section 3 of the Act that the alleged transactions can't be deemed to be proceeds of crime as the unauthorised disposal of assets and the registration of properties, carried out without any corporate authority or approval, can't be used to start criminal proceedings under PLMA against the Directors/ Partners of the company and the Petitioner herein. Further, the alleged transactions never reached the Petitioner herein personally. Section 3 reads as,

"(1) Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition, or use and projecting or claiming it as untainted property shall be guilty of the offence of money laundering."

DD. BECAUSE for a property to come under the definition of "*proceeds of crime*", the said property must have a direct connection with the alleged scheduled offence listed under the Act. The definition of "*proceeds of crime*" under Section

2(u) of the Act is reproduced hereinbelow for easy reference of the Hon'ble Court:

"2(u) Proceeds of crime means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence."

EE. BECAUSE the Hon'ble Supreme in ***Vijay Madanlal Choudhary v. Union of India, 2022 SCC OnLine SC 929*** has held that,

"406...The fact that the proceeds of crime have been generated as a result of criminal activity relating to a scheduled offence, which incidentally happens to be a non-cognisable offence, would make no difference. The person is not prosecuted for the scheduled offence by invoking provisions of the 2002 Act, but only when he has derived or obtained property as a result of criminal activity relating to or in relation to a scheduled offence and the indulges in process or activity connected with such proceeds of crime..."

407...the offence under this Act in terms of Section 3 is specific to involvement in any process or activity connected with the proceeds of crime which is generated as a result of criminal activity related to the scheduled offence..."

- FF. BECAUSE** the directors of Shine City Infra Project Pvt. Ltd., including the Petitioner, had no knowledge of or involvement in these actions. Furthermore, the unauthorized nature of these transactions is evident from the lack of supporting audit reports and the absence of proper corporate resolutions. Despite these irregularities, these transactions have been wrongfully attributed to the Petitioner, further complicating the company's legal standing.
- GG. BECAUSE** it is further submitted that it was these third-party agents, motivated by their mala fide intentions to misappropriate the assets of the company, started spreading rumors against the company in 2018 in order to cause financial damage to the company as well as its reputation and now it is them who are convincing the complainants to sign settlement agreements but failed to deliver possession of the properties as promised.
- HH. BECAUSE** the above-mentioned developments highlight a pattern of abuse of process by third-party agents and complainants who have sought to exploit the company's vulnerable position post - 2019. These actions not only lack legal validity but also demonstrate the absence of proceeds of crime or any other essential ingredients required to sustain a prosecution under PMLA.
- II. BECAUSE** the Petitioner herein and the other Directors/ Partners of the company are willing to settle the dispute

amicably, clearing all the claims of the genuine claimants and have also released a video requesting the release of the attached assets of the company. It is pertinent to note that these genuine customers are worried as the cases related to the company are being investigated by the Economic Offences Wing (EOW) since 2019 wherein no action has been taken till date.

- JJ. BECAUSE** the Petitioner also submits that the unauthorized disposal of assets and registration of properties, without any authority, violates the fundamental principles of law. The Petitioner's liability cannot be extended to actions undertaken by individuals without the company's consent or approval.
- KK. BECAUSE** the continuation of proceedings under PMLA against the Petitioner is not only unjust but also a violation of his fundamental rights under Articles 14, 19, and 21 of the Constitution of India.
- LL.** It is humbly submitted by the Petitioner that there is no other efficacious and effective alternative remedy except to approach this Hon'ble Court by way of this present petition.
- MM.** The Petitioner herein respectfully prays the leave to add, alter, amend and/or delete any of the aforesaid grounds, with the permission of this Hon'ble Court.

NN. It is further submitted that the Petitioner has not filed any other similar petition in any High Court or before this Hon'ble Court of India on the issues in this petition. The present petition is being filed in *Bonafide* and in the interest of justice.

6. GROUND FOR INTERIM RELIEF:-

The Petitioner seeks urgent interim relief from this Hon'ble Court to stay the Impugned Orders dated 01.07.2024 and 16.12.2024, passed by the Hon'ble High Court in Criminal Misc. Writ Petition No. 20172 of 2023, titled *Prakash Chandra Tiwari v. Union of India & Ors.* It is pertinent to note that the Impugned Orders have been issued in violation of the statutory mandate under Sections 8(5) and 8(8) of the Prevention of Money Laundering Act, 2002, as they direct claimants to file claims before the conclusion of the trial, contrary to the procedural safeguards provided under the Act. This misinterpretation has led to misuse by third-party agents, who have fraudulently presented themselves as *bona fide* investors to file false and frivolous claims. Furthermore, the Special Judge, Anti-Corruption CBI West, Lucknow, Special Court PMLA, has erroneously relied on the Impugned Orders to allow claims amounting to Rs. 14,61,520/- (Rupees fourteen lakhs sixty-one thousand and five hundred twenty only), resulting in the attachment and proposed auction of four properties belonging to the Petitioner and the company, collectively valued at Rs. 3,82,10,000/-(Rupees three crores

eighty-two lakh ten thousand only). The Petitioner has consistently acted in good faith to ensure investor redressal through legitimate settlements and claims verification processes, and the continuation of the Impugned Orders would lead to severe and unjustified financial consequences.

In light of the above, the Petitioner has a *prima facie* strong case with a high likelihood of success before this Hon'ble Court. If the Impugned Orders are not stayed, the Petitioner will suffer irreparable harm, including unlawful deprivation of property and financial hardship, which cannot be adequately compensated later. The balance of convenience lies in favor of the Petitioner, as granting interim relief would prevent undue hardship while ensuring that legitimate investor claims are adjudicated in accordance with the law. Therefore, in the interest of justice, equity, and fair adjudication, the Petitioner prays for an urgent stay on the Impugned Orders pending final adjudication of the present Special Leave Petition.

7. MAIN PRAYER:-

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously & kindly be pleased to:-

- a.** Grant special leave to appeal against the impugned Judgment and interim Orders dated 01.07.2024 and 16.12.2024 passed by the Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023;

- b.** Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice and equity.

8. PRAYER FOR INTERIM RELIEF:-

It is, therefore, most respectfully prayed that this Hon'ble Court, during the pendency of the instant Special Leave Petition, may graciously & kindly be pleased to:-

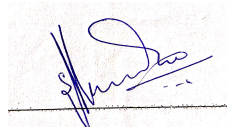
- a.** Stay the effect and operation of the Impugned Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023, and the consequential proceedings initiated by the Special Court at Lucknow in view of the directive in the Impugned Orders;
- b.** Quash and set **aside** the Impugned Interim Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023;

- d. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice and equity.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Drawn By:

Ashish Deep Verma
Harsh Singh
Mir Adnan Zahoor
Apali Kaushal
Pragati Dhawan
(Advocates)



Filed By:

(SYED MEHDI IMAM)
(Advocate for the Petitioner)

NEW DELHI

Drawn on: 25.01.2025

Filed on: 30.01.2025

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

IN THE MATTER OF:-

ASIF NASEEM

...PETITIONER

VERSUS

UNION OF INDIA& ORS.

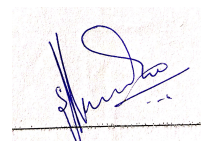
...RESPONDENTS

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Courts whose order is challenged and the other documents relied upon in those proceedings. That no additional facts, documents or grounds have been taken and relied upon by the Petitioner in this Special Leave Petition. It is further certified that the copies of the documents/ Annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Petitioner/person authorized by the Petitioner whose Affidavit is filed in support of the Special Leave Petition.

FILED ON: 30.01.2025

FILED BY



(SYED MEHDI IMAM)
Advocate for the Petitioner

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

(WITH PRAYER FOR INTERIM RELIEF)

(Special Leave Petition arising out of Impugned Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023)

IN THE MATTER OF:-

ASIF NASEEM

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

AFFIDAVIT

I, Kasir Zilani, C/o. Mr. Zameer Ahmad aged about 39 years, R/o. Bhopatpur Village, Bhopatpur, Handia, Allahabad (Prayagraj), U.P. 221503 presently at Lucknow, do hereby solemnly affirm and state as under:

1. That I am the relative and pairokar of the Petitioner herein in the accompanying Special Leave Petition and as such I am well acquainted with the facts and circumstances of the present case, hence competent to swear this affidavit.

SWORN & VERIFIED That content of the present Special Leave Petition has been drafted before me

Satya Prakash Srivastava
Advocate & Notary
Lucknow U.P. India

30/01/20



by my counsel under my instructions, which has been explained to me in my vernacular language and I have understood the same and I say that the averments made in pages ___ to ___ of the Synopsis and List of Dates, pages ___ to ___ (paragraphs 1 to 8) of the Special Leave Petition and the accompanying IAs are true and correct to the best of my knowledge and belief.

That Annexures annexed with the Special Leave Petition are true copies of their respective originals.

DEPONENT



VERIFICATION:

I, the Deponent above named do hereby verify that averments made in this affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

30th

Verified at Lucknow on this ___th day of January, 2025.

DEPONENT

**SWORN & VERIFIED
BEFORE ME**

Satya Prakash Srivastava
Advocate & Notary
Lucknow U.P. India

30/01/25

APPENDIX

Constitution of India:

Article 14: Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 21: Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law.

Prevention of Money Laundering Act, 2002:

Section 8: Adjudication.-- (1) On receipt of a complaint under sub-section (5) of section 5, or applications made under sub-section (4) of section 17 or under sub-section (10) of section 18, if the Adjudicating Authority has reason to believe that any person has committed an offence under section 3, it may serve a notice of not less than thirty days on such person calling upon him to indicate the sources of his income, earning or assets, out of which or by means of which he has acquired the property attached 7 under sub-section (1) of section 5, or, seized under section 17 or section 18, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties should not be declared to be the properties involved in money-laundering and confiscated by the Central Government:

Provided that where a notice under this sub-section specifies any property as being held by a person on behalf of any other person, a copy of such notice shall also be served upon such other person:

Provided further that where such property is held jointly by more than one person, such notice shall be served to all persons holding such property.

(2) The Adjudicating Authority shall, after--

(a) considering the reply, if any, to the notice issued under sub-section (1);

(b) hearing the aggrieved person and the Director or any other officer authorised by him in this behalf; and

(c) taking into account all relevant materials placed on record before him,

by an order, record a finding whether all or any of the properties referred to in the notice issued under sub-section (1) are involved in money-laundering: Provided that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering.

(3) Where the Adjudicating Authority decides under sub-section (2) that any property is involved in money-laundering, he shall, by an order in writing, confirm the attachment of the property made under sub-section (1) of section 5 or retention of property or record seized under section 17 or section 18 and record a finding

to that effect, such attachment or retention of the seized property or record shall—

(a) continue during the pendency of the proceedings relating to any scheduled offence before a court; and

(b) become final after the guilt of the person is proved in the trial court and order of such trial court becomes final.

(4) Where the provisional order of attachment made under sub-section (1) of section 5 has been confirmed under sub-section (3), the Director or any other officer authorised by him in this behalf shall forthwith take the possession of the attached property.

(5) Where on conclusion of a trial for any scheduled offence, the person concerned is acquitted, the attachment of the property or retention of the seized property or record under sub-section (3) and net income, if any, shall cease to have effect.

(6) Where the attachment of any property or retention of the seized property or record becomes final under clause (b) of sub-section (3), the Adjudicating Authority shall, after giving an opportunity of being heard to the person concerned, make an order confiscating such property.

Prevention of Money Laundering (Restoration and confiscation of Property) Rules, 2016:

Rule 3A.- Manner of restoration of property during trial.- (1) The Special Court, after framing of the charge under section 4 of the Act, on the basis of an application moved for restoration of a

property attached under sub-section (1) of section 5, or, seized or frozen under section 17 or section 18 of the Act prior to confiscation, if it thinks fit, may, for the purposes of the second proviso to sub-section (8) of section 8 of the Act, cause to be published a notice in two daily newspapers, one in English language and one in vernacular language, having sufficient circulation in the locality where such property is situated calling upon the claimants, who claim to have a legitimate interest in such property or part thereof, to submit and establish their claims, if any, for obtaining restoration of such property or part thereof.

(2) When the property referred to in sub-rule (1) is insufficient to meet the loss suffered by the claimant as a result of the offence of money-laundering, the Special Court, as it thinks fit, may pass an order of restoration of property directing the Central Government, if necessary, to auction such property and disburse on a pro-rata basis in accordance with the share of loss suffered by each claimant and may give custody thereof to such claimant on his executing a bond undertaking to produce such restored property before the Special Court as and when required for the purposes of sub-section (5) or sub-section (6) or sub-section (7) of section 8 of the Act.

(3) No claimant shall be entitled to claim restoration of the property referred in sub-rule (1) before the Special Court beyond thirty days from the date of publication of the notice referred to in that sub-rule: Provided that the Special Court may entertain any

claim not exceeding further thirty days, upon the satisfaction that the claimant was prevented by sufficient cause.

(4) No restoration order shall be passed by the Special Court under this rule, without giving an opportunity of being heard to the owner of the property referred to in sub-rule (1) or in the event of his death, the legal representatives of such person or official assignee or official receiver, as the case may be.”.

/TRUE TYPED COPY/

(THE COMPANIES ACT, 1956)
(COMPANY LIMITED BY SHARES)
MEMORANDUM OF ASSOCIATION
OF

SHINECITY INFRAPROJECT PRIVATE LIMITED

- I. The Name of the Company is SHINECITY INFRAPROJECT PRIVATE LIMITED
- II. The registered office of the company will be situated in the State of Uttar Pradesh.
- III. The objects for which the company is established is as follows:
 - (A) The main objects to be pursued by the company on its incorporation are:-
 1. To carry on the business to purchase, sale, build, construct, erect, develop, improve, run, take on lease or exchange, hire or otherwise acquire in any manner any movable or immovable properties, lands (free hold, lease hold or of any tenure), houses, flats, rooms, huts, multiplexes, cinema halls, hotels, shopping complexes, offices, workshops, Commercial complexes, Industrial Sheds, building and premises, apartments, multi story building, or any other accommodation and to let or dispose-off the same on ownership or installment basis or in any other mode of disposition, all or any integral part thereof, to enter into builder agreement, partnership with any company, firm or any other organization, to enter into joint venture with any company, firm or any other organization for development of land or otherwise deal in properties in any manner whatsoever.
 2. To carry on the business to purchase, acquire, take on lease, or in exchange or in any other lawful manner any land, buildings, structures and to turn the same into account, develop the same and dispose of or maintain the same and to build townships, markets, or other buildings or conveniences thereon and to equip the same or any part thereof with all or any amenities or conveniences, drainage facility, electric, telegraphic, telephonic, television installations and to deal with the same in any manner whatsoever and enter into builder agreement, partnership with any company, firm, government authorities/departments or any other organization, to enter into joint venture with any company, firm or any other organization for development of land.
 - (B) OBJECTS INCIDENTAL OR ANCILLARY TO THE ATTAINMENT MAIN OBJECTS ARE:
 1. To acquire by purchase, lease, exchange or otherwise any movable or immovable property and any rights or privileges, which the Company may deem necessary or convenient for the purpose of its main business.
 2. To enter into partnership or into any arrangement for sharing profits, union of interest, joint venture, reciprocal concession or co-operation with persons or companies carrying on or engaged in the main business or transaction of this Company.
 3. To import, buy, exchange, alter, improve and manipulate in all kinds of plants, machinery, apparatus, tools and things necessary or convenient for carrying on the main business of the Company

4. To vest any movable or immovable property, rights or interests required by or received or belonging to the Company in any person or company on behalf of or for the benefit of the Company and with or without any declared trust in favor of the Company.
5. To purchase or otherwise acquire, build, carry out, equip, maintain, alter, improve, develop, manage, work, control and superintend any plants, warehouse, sheds, offices, shops, stores, buildings, machinery, apparatus, labour lines and houses, warehouses and such other works and conveniences necessary for carrying on the main business of the Company.
6. To undertake or promote scientific research relating to the main business or class of business of the Company.
7. To purchase, taken on lease or otherwise acquire and take over the whole or any part of the business, goodwill, trade-marks properties and liabilities of any person or persons, firm, companies or undertakings either existing or new, engaged in or carrying on or proposing to carry on business which this Company is authorized to carry on, or be possessed of any property or rights suitable for the purpose of the Company and to pay for the same either in cash or in shares or partly in cash and partly in shares or otherwise.
8. To negotiate and enter into agreements and contracts with Indian and Foreign individuals, companies, corporations and such other organizations for technical, financial or any other such assistance for carrying out all or any of the main objects of the Company or for the purpose of activity research and development of manufacturing projects on the basis of know-how, financial participation or technical collaboration and acquire necessary formulas and patent rights for furthering the main objects of the Company.
9. Subject to Sections 391 to 394 & 394A of the Act, amalgamate with any other company/ companies having objects altogether or in part similar to those of this Company in any manner whether with or without the liquidation.
10. To buy foreign exchange in all lawful ways in compliance with the relevant laws of India and of the foreign country concerned in that behalf."
11. To insure with any person or company against losses, damages, risks and liabilities of any kind which may affect the company either wholly or in part directly or indirectly.
12. Subject to any law for the time being in force, to undertake or take part in the formation, supervision or control of the business or operations of any person, firm, body corporate, association undertaking carrying on the main business of the Company.
13. To apply for, obtain, purchase or otherwise acquire and prolong and renew any patents, patent-rights, brevets, inventions, processes, scientific, technical or other assistance, manufacturing processes, know-how and other information, designs, patterns, copyrights, trade-mark, licenses, concessions and the like rights or benefits, conferring any exclusive or non-exclusive or limited or unlimited right of use thereof, which may seem capable of being used for or in connection with the main objects of the Company or the acquisition or use of which may seem calculated directly or indirectly to benefit the Company on payment of any fee, royalty or other consideration and to use, exercise or develop the same under or grant licenses in respect thereof or otherwise deal with same and to spend money in experimenting upon, testing or improving any such patents, inventions, rights or concessions.
14. To apply for and obtain any order under any act or legislature, charter, privileges, concessions, license or authorization of any Government, State or any authority

for enabling the Company to carry on any of its main objects into effect or for extending any of the powers of the Company or for effecting and modification of the constitution of the Company or for any other such purpose, which may seem expedient or calculated directly or indirectly to prejudice the interest of the Company.

15. To enter into any arrangements with any Government or authorities or any persons or companies that may seem conducive to the main objects of the Company or any of them and to obtain from any such Government, authority, person or company any rights, charters, contracts, licenses and concessions, which the Company may think desirable to obtain and to carry out, exercise and comply therewith.
16. To procure the Company to be registered or recognized in or under the laws of any place outside India and to do all acts necessary for carrying on in foreign country, the business or profession of the Company.
17. To draw, make, accept, discount, execute and issue bills of exchange, promissory notes, bills of lading, warrants, debentures and such other negotiable or transferable instruments of all types of securities and to open bank accounts of any type and to operate the same in the ordinary course of the Company.
18. To advance money either with or without security and to such persons and upon such terms and conditions, as the Company may deem fit and also to invest and deal with the money of the Company not immediately required in or upon such investments and in such manner, as from time to time may be determined, provided that the Company shall not carry on the business of banking, as provided in the Banking Regulation Act, 1949.
19. Subject to Section 58-A and 292, 293, 295 and 372-A, of the Act and the regulations made there under and the directions issued by the Reserve Bank of India, to receive money on deposit or loan and borrow and raise money, from any bank or financial institutions, in such manner and at such time or times, as the Company thinks fit and in particular by the issue of debentures, debenture stocks, perpetual or otherwise and to secure the repayment of any money borrowed, raised or owing by mortgage, charge or lien upon all or any of the properties or assets or revenues and profits of the Company both present and future, including its uncalled capital and also by a similar mortgage, charge or lien to secure and guarantee the performance by the Company or any other person or company of any obligation undertaken by the Company or such other person or company to give the lenders the power to sale and such other powers, as may seem expedient and to purchase, redeem or payoff any such securities.
20. To undertake and execute any trusts, the undertaking of which may seem to the Company desirable, either gratuitously or otherwise.
21. To establish, or promote or concur in establishing or promote any company for the purpose of acquiring all or any of the properties, rights and liabilities of the Company.
22. To sell, lease, mortgage, exchange, grant licenses and other rights improve, manage, develop and dispose of undertakings, investments, properties, assets and effects of the Company or any part thereof for such consideration, as may be expedient and in particular for any shares, stocks, debentures or other securities of any other such company having main objects altogether or in part similar to those of the Company.
23. Subject to the provisions of Section 100 to 105 of Act, to distribute among the members in specie or otherwise any property of the Company or any proceeds of sale or disposal of any property of the Company in the event of winding up.

24. To distribute as dividend or bonus among the members or to place to reserve or otherwise to apply, as the Company may, from time to time determine, any money received by way of premium on shares or debentures issued at a premium by the Company and any money received in respect of forfeited shares, money arising from the sale by the Company of forfeited shares, subject to the provisions of Section 78 of the Companies Act, 1956.
25. To employ agents or experts to investigate and examine into the conditions, prospects, value, character and circumstances of any business concerns and undertakings and generally of any assets, properties or rights, which the Company propose to acquire.
26. To accept gifts, bequests, devises or donations of any movable or immovable property or any right or interests therein from members or others.
27. To create any reserve fund, sinking fund, insurance fund or any other such special funds, whether for depreciation, repairing, improving, research, extending or maintaining any of the properties of the Company or for any other such purpose conducive to the interests of the Company.
28. Subject to the provisions of Section 292, 293, 293-A & 293-B of the Companies Act, 1956, to make donations to such persons or institutions either in cash or in any other assets as may be thought directly or indirectly conducive to any of the company's objects or otherwise expedient and to provide for the welfare of the directors, officers, employees and ex-directors, ex-officers and ex-employees of the company and wives, widows and families of the dependents or relation of such persons, by building or contributing to the building of houses dwellings, chaws or by grants of money, pensions, allowances, bonus or other payments or by creating and from time to time subscribing or contributing towards places of instruction and recreation, hospitals and dispensaries, medical and other attendance and other assistance as the company shall think fit and to subscribe or contribute or otherwise to assist or to guarantee money to charitable, benevolent, religious, scientific, national or other institutions and objects which shall have any moral or other claim to support or aid by the company other by the reason of locality of operations or public and general utility or otherwise to provisions of the Companies Act, 1956.
29. To establish and maintain or procure the establishment and maintenance of any contributory or non-contributory pension or superannuation, provident or gratuity funds for the benefit of and to give or procure the giving of donations, gratuities, pensions, allowances, bonuses or emoluments of any persons, who are or were at any time in the employment or service of the Company or any company which is a subsidiary of the Company or is allied to or associated with the Company or with any such subsidiary company or who are or were at any time Directors or officers of the Company or any other company as aforesaid and the wives, widows, families and dependants of any such persons and also to establish and subsidies and subscribe to any institutions, associations, clubs or funds calculated to be for the benefit of or advance aforesaid and make payments to or towards the insurance of any such persons as aforesaid and to do any of the matters aforesaid, either alone or in conjunction with any such other company as aforesaid
30. To do all or any of Company's business as principals, agents or the business as representative of any persons, firms, company or corporation, having business or objects altogether or in part similar to those of this Company and to carry on the business of the company with foreign collaborations on the terms and conditions subject to laws governing the same.
31. To carry out research in design, develop, engineer alter, exchange or process in any manner manufacture deal either as principal or agents, import and export

know-how, machinery and equipment including sub-assemblies and other parts and components thereof relating to all kinds of electronics, electrical and are components supplied by, in case of such business which may seem capable of being profitable dealt with by the company including stationery, accessories, ancillaries thereof.

32. To spend money on research and development of new or existing products and improving or seeking to improve any patents, rights, inventions, discoveries, processes or information of the company or which the company may acquire or propose to acquire.
33. To refer or agree any claim, demand, dispute or any other question by or against the company or in which the company is interested or concerned and whether between the company and the members or members or his or their representatives, or between the company and third parties, to arbitration in India or any place outside India and to observe and to perform and to do all acts, deeds, matters and things to carry out or enforce the award.
34. To take such steps as may be necessary to give the company the same rights or privileges in any part of the world as are possessed by local companies or concerns of a similar nature.
35. To establish for any of the main objects of the Company, branches or to establish any firm or firms at places in or outside India, as the Company may deem expedient.
36. To pay for any property or right acquired by or for any services rendered to the Company and in particular to remunerate any person, firm or company introducing business of the Company either in cash or fully or partly paid-up shares with or without preferred or deferred rights in respect of dividends or repayment of capital or otherwise or by any securities which the Company has power to issue or by the grant of any rights or options or partly in one mode and partly in another and generally on such terms, as the Company may determine, subject to the provisions of Section 314 of the Act.
37. To pay out of the funds of the Company all costs, charges and expenses of and incidental to the formation and registration of the Company and any company promoted by the Company and also all costs, charges, duties, impositions and expenses of and incidental to the acquisition by the Company of any property or assets.
38. To send out to foreign countries, its directors, employees or any other person or persons for investigation possibilities of main business or trade, for procuring and buying any machinery or establishing trade and business connections or for promoting the interests of the Company and to pay all expenses incurred in this connection.
39. To compensate for loss of office of any Managing Director or Directors or other officers of the Company within the limitations prescribed under the Companies Act, 1956, or such other status or rule having the force of law and to make payments to any persons whose office of enjoyment or duties may be determined by virtue of any transaction in which the Company is engaged.
40. To agree to refer to arbitration any dispute present or future between the Company and any other company, firm, individual or any other body and to submit the same to arbitration in India or abroad either in accordance with Indian or any foreign system of law.
41. To appoint agents, sub-agents, dealers, managers, canvassers, sales representatives or salesmen for transacting all or any kind of the main business of which this Company is authorized to carry on and to constitute agencies of the

Company in India or in any other country and to establish depots and agencies in different parts of the work.

42. To give to officers, servants or employees of the company and share or interest in the profits of the company's business or any branch thereof and whether carried on by means of or through the agency of any subsidiary company or not and for that purpose to enter into any arrangements as the company may think fit.

(C) OTHER OBJECTS ARE:

1. To carry on the business of software development and computer designing, job works, customization and also to provide technical services, training, consultancy related to hardware & software, information technology, to undertake computer related jobs as internet, communication network, e-commerce, web hosting, maintenance of websites, website designing, development of portals, multimedia, to carry all kinds of business in India or abroad related to information technology, computer related assignments, WAP application, development, franchising and placement consultant.
2. To carry on the business of advertising and publicity agency of providing to advertiser a complete range of advertising services on network and all mass media like radio, television, cinema, video, hoardings, newspapers, magazines and films and to carry on the business of providing, advertising, consultancy and professional market research including public relations.
3. To carry on the business as manufacturers, traders, importers and exporters of and dealers in aluminum utensils, steel utensils and all other such types of utensils and kitchen requisites of all types.
4. To carry on the business by whole sale or retail, or otherwise of interior decorators and furnishers, upholsters and dealers in and hirers, repairers, cleaners, stores and warehouses of furniture, carpets, linoleums furnishing fabrics.
5. To carry on the business as brewers, distillers, bottlers, canners, preservers, coopers, dehydrators, malsters and merchants of and dealers in fruits, herbs, vegetables, plants and liquors, bye-products there from, where intoxicating or not, tonics, vitamin beverages, flavored drinks, nector, punch aerated waters and drinks whether soft or otherwise.
6. To carry on the business of cold storage of fruits, vegetable seeds, fish, meat, agricultural products, milk, dairy products and such other perishable items of all types.
7. To carry on the business of production, distribution or exhibition of films and motion pictures and the running of theatres, cinemas, studies and cinematographic shows and exhibitions.
8. To manufacture, assemble, buy, sell, import, export, trade service and deal in all kinds of Audio, Video Cassettes, Compact Discs, Compact Disc recorders.
9. To trade, deal in and undertake manufacturing of bricks, tiles, pipes, cement lime and building construction requisites and to carry on all or any of the business of builders, contractors, architects, decorators, furnishers and to acquire, hold, mortgage, lease, take on lease, exchange or otherwise deal in lands, buildings, house, flats, bungalows, shops, hereditaments of any tenure or freehold for residential or business purposes.
10. To cultivate, grow, produce or deal in tea, coffee and any agricultural, vegetable or fruit products and to carry on all or any of the businesses of farmers, dairymen, milk contractors, dairy farmers, millers, purveyors and vendors of milk and milk products, condensed milk and powdered milk, Cream cheese, butter, poultry, fruits, vegetables, cash crops and provisions of all kinds.

11. To carry on the business of manufacturers of or dealers in pulp and paper of all kinds and articles made from paper and pulp such as card boards and wall and ceiling papers and packaging cartons and newspapers and newsprints.
12. To carry on the business of purchase and sale of petroleum products, to act as dealers and distributors for petroleum companies, to run service stations for the repair and servicing of automobiles and to manufacture or deal in fuel oils, cutting oils and greases.
13. To carry on the business of iron-founders, makers of scientific, industrial and surgical instruments mechanical engineers and manufacturers of agricultural implements and other machinery, steel castings and forgings and malleable iron and steel castings, tool makers, brass founders, metal workers, boiler-makers, mill wrights, machinists, iron and steel converters, smiths, builders, painters, metallurgists, electrical engineers, water supply engineers, gas makers, farmers, printers, carriers and merchants and to buy, sell, manufacture, repair, convert, alter, let on hire and deal in machinery, implements and rolling stock.
14. To carry on the business of hoteliers, moteliers, restaurant owners, refreshments, room proprietors, refreshment contractors and to own, run garages, shops, stores, godowns, bars, refreshment rooms, cafeterias, discotheques, restaurants and places for sale, custody, bailment, depots or protection of the valuable goods and commodities.
15. To carry on the business of manufacturing and dealing, in assembling, buying, selling, reselling, exchanging, altering, repairing, importing, exporting, hiring, letting on hire, distributing, or dealing in motor-cars, motor-cycles, scooters, motor buses, motor lorries, motor vans, trucks, locomotive engines, trains and all other road and rail conveyances, ships, boats, barges, launches, steamers and other vessels, aero planes, aero engines, flying boats, hydroplanes and aircrafts and aerial conveyances of every description and kind for transport or conveyance of passengers, merchandise or goods of description, whether propelled or moved or assisted by means of petrol, spirit, electricity, steam, oil vapour, gas, petroleum, mechanical, animal or any other such motive power.
16. To carry on the business of manufacturing, dyeing, colouring, spinning, weaving, buying, selling, importing, exporting or otherwise dealing in all fabrics and other fibrous substances and preparations and manufacturers of and dealers in cotton, silk, woollen, linen, hemp, jute, rayon, nylon, artificial silk and such other yarn and all kinds of woven, synthetic blended textiles manufactured from such yarn.
17. To carry on the business of manufacturers of and dealers in industrial machinery bearings, speed reduction units, pumps, machine tools, agricultural machinery and earth-moving machinery including road rollers, bull-dozers, dumpers scrapers loaders shovels and drag lines and light engineering, goods such as cycle and sewing machines
18. To carry on the business of manufacturers of or dealers in ferrous or non-ferrous metals, iron & steel, aluminum, brass, tin, nickel, special steel and their products.
19. To carry on the business as manufacturers, stockists, importers and exporters of and dealers in bolts, nuts, nails, hooks and such other hardware items of all types.
20. To carry on the business as manufacturers, stockists, importers and exporters of and dealers in forging, castings, stampings of all metals, machinery parts, moulds, press tools, jigs, fixtures and compression moulding, steel products and automobile parts.
21. To carry on the business as manufacturers, stockists, importers, exporters and repairers of and dealers in all kinds of electrical and electronic goods.

22. To carry on the business as manufacturers, stockists, importers and exporters of and dealers in wearable and unwearable fabrics, high density polyethylene and polypropylene, woven snacks and tarpaulins.
23. To carry on the business as manufacturers of and dealers in and as stockists, importers and exporters of packing material, jointing and belting materials, asbestos materials and fibres, insulation material and welding fluxes, cartons, containers, boxes and cases made of paper, boards, wood glass, plastic, pulp, cellulose films, polythene, rubber, metals, metal foils, gelatine. tin, flexible, treated and laminated, or other materials.
24. To carry on the business as manufacturers of and dealers in as stockists, importers and exporters of bottles, jars, fibrite boxes, corrugated containers, aluminum foils of all types, wooden drums, packing cases, rods, wires, ropes, strips, conductors, equipments required for generation, distribution and transmission of electric energy, cables, motors, fans, lamps, batteries and accumulators
25. To carry on the business of manufacturers, traders, suppliers of all kinds of confectionery items and foods such as jams, syrups, namkeens, toffees, chocolates, biscuits, sweets, wafers, corn flakes, saun! & spices
26. To carry on the traders and business of meal manufacturers, dealers in consumable stores and provisions of all kinds, food stuffs, grains, flour, seeds, fodder, cane oils, corn, wheat, wheat products, stores, vegetable oils, ghee and vanaspati products.
27. To set up as tanners and to carry on the business as manufacturers of and dealers in and importers and exporters of leather and raw hides and skin.
28. To carry on the business as manufacturers of and dealers in or as stockists, importers and exporters of plastics, synthetic resins, natural resins, polymer products and chemicals required for the manufacture, processing and fabrication of plastics and similar other such products, tubes, pipes, sheets, films, whether moulded, extruded, casted, formed or foamed.
29. To purchase, hold and acquire mines, mining leases, mining rights, mining claims and metaliferous lands and to explore, work, exercise, develop and turn to account all sorts of major and minor minerals, working of deposits of all kinds of minerals and sub-soil materials and to crush, win, set, quarry, smelt, calcine, refine, dress, amalgamate, manipulate and prepare for market ores, metals and mineral substances of all kinds and to carry on metallurgical operations in all its branches and to prepare, process, manufacture, assemble, fabricate, cast, fit, press, machine, treat, weld, harden, plate, temper, anneal any kind of metals and consequential products.
30. To produce, manufacture, trade, deal in all, dispose of alkalies, dyes, chemicals, acids, gases, compounds, fertilizers, chemical products of every nature and description, intermediates, derivatives, all types of floatation reagents, wetting agents, insecticides, fumigants, dyestuffs, catalytic agents, direct colours, basic colours, pigments, drugs, biological, Pharmaceuticals, serum, vitamin products, hormones and products derived from phosphate mines, limestone quarries, bauxite mines, petroleum, natural gas and other natural deposits useful or suitable in the manufacture of chemicals and chemical products and to undertake the business of spraying of pesticides
31. To carry on the business as importers, exporters, traders, buyers, sellers, retailers, wholesalers, suppliers, indenters, filling, re-filling, movers, preservers, stockists, agents, sub-agents, merchants, distributors, consignors, jobbers, brokers and

manufacturers of or otherwise deal in all kinds of gases for industrial, commercial and domestic use.

32. To carry on business or businesses as importers, exporters, traders, buyers, sellers, retailers, wholesalers, suppliers, indenters, packers, movers, preservers, stockists, agents, sub-agents, merchants, distributors, consignors, jobbers, brokers, concessionaires or otherwise to deal in all kinds of herbal items whether in synthetic, medicated, natural, ayurvedic, allopathic, homeopathic form or in any other form, cosmetic items, health caring goods, body caring goods, skin caring goods, hair caring goods, including shampoos, creams, shower gels, hair oil, hair removers, formulations of all types, powders, kajals, lipsticks, soaps whether in liquid form.
33. To run, own, manage, consultants, administer diagnostic, nursing homes, scan centres, urology and maternity centres, hospitals, clinical dispensaries, child welfare and family planning centres. clinical, pathological testing laboratories.
34. To manufacture, buy, sell, import, export, alter, improve, manipulate, prepare for market, exchange. install, repair, service, let on hire and deal in all kinds of surgical, X-ray units, X-ray equipments, telecommunication machines, business machines, intercoms, teleprinters, dictating and recording machines, broadcasting apparatuses, loud-speakers, radios, auto-radio reverberates. tape players, cassette tapes, head phones, stereo-complex speakers, radios, control equipments, cameras, binoculars, microscopes, projectors, telescopes, television sets, refrigerators, coolers, radars, computers and spare parts.
35. To procure or develop and supply technical know how for the manufacture or processing, the installation or correction of machinery or plant in the working of mines, oil wells or other sources of mineral deposits or in carrying out any operations relating to agriculture, animal husbandry, dairy or poultry-farming, forestry or fishery or rendering services in connection with the provisions of such technical know-how.
36. To deal in forex business such as money changing, foreign exchange, export and import foreign currency, subject to the approval of Reserve Bank of India and other appropriate authorities.
37. To carry on the business as manufacturers, traders, importers and exporters of and dealers in all kinds of carpets and floor coverings, whether made of woolen, cotton, synthetic or such other fibres or fibrous materials of all types.
38. To carry on the business as traders, importers and exporters of and dealers in cotton and jute. whether raw, semi-processed and all kinds of cotton and jute goods.
39. To carry on the business as shares and stock brokers and to buy, sell and deal in all kinds of shares, stocks, securities, bonds, debentures, units and such other instruments of all types.
40. To carry on the business of printers, publishers and distributors of all types of books.
41. To manufacture, buy, sell, export, import, process and assemble and deal in lamps, lamp shades, electric lights, electric fittings, glass items, handicrafts, brass products, all electric and electronic goods and other decorative items and their component parts and accessories and lamp shades made of fabrics, PVC laminated shades and fabrics.
42. To carry on the business of public transporters and to pay all types of commercial vehicles such as trucks, tempos and pick up vans for carrying goods or passengers anywhere in India.

43. To carry on the business as importers, export agents, distributors, stockists, contractors, suppliers, dealers of any kind and to act as manufacturers, representatives, agents, brokers, commission agents and merchants of commodities, articles, products and merchants of any kind or nature.
 44. To carry on and undertake the business of finance, hire purchase, leasing and investment, subject to the approval of R.B.I, under RBI Act, 1934, as amended by RBI (Amendment) Act 1997.
 45. To undertake and transact all kinds of agency business and to carry on and promote any business commercial or otherwise under sound principles and/or to act as distributors, agents, underwriters, brokers, estate agents, middleman, contract man, representation and indenting agent on commission, allowance, as may be deemed fit in all commodities, merchandise and such other allied articles/lines of business.
 46. To carry on the business of present, promote, produce, organise, manage, conduct, represent, event management programme, D.J., Disco, classical programmes and the live entertainment programmes by hiring the professional artists and to carry on all the related activities on behalf of sponsored companies/firms/individuals for advertisement and entertainment purposes.
 47. To carry on the business of immigration, recruitment & placement as professionals, executives, skilled, semi-skilled, un-skilled workers, labours & other technical personnel in India & abroad for those seeking immigration.
 48. To provide tourism and hospitality services and to act as cargo agents, travel agents, ship brokers, charter party contractors, ship agents, packing, forwarding and clearing agents, salvors, wreck removers, wreck raisers, auctioneers, inspectors and observers of quality control, custom house agents, commission agents and general sales agents for any of the air lines, steam-ship companies, railway and transport companies.
 49. To carry on the business of real estate developers, colonizers and builders, sale and purchase of industrial plots, sheds, factory buildings, construction of commercial property, letting out of property, contractors for construction of buildings, roads etc.
 50. To start, establish, run, takeover or manage or maintain schools, with an object to provide sound pre-primary, primary, middle, secondary, senior secondary and Higher education specially Law Courses, B. Ed, and other courses as may be run by Degree Colleges, Universities, Deemed Universities etc., to Children by seeking recognition from concerned authority and to collaborate with universities, deemed universities and other educational institutions and to conduct research in aforesaid higher education institutions.
 51. To act as security and fire safety consultants, advisers, security contractors and to supply watch and ward staff, security guards, bodyguards and to render housekeeping and other maintenance services thereof to the Central Government, State Government, Corporations, Municipalities, Companies, Commercial houses, Trusts, individuals and others.
- IV. The Liability of Members is limited.
- V. The Authorized Share Capital of the Company is Rs. 1,00,000/- (Rupees One Lac Only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs. 10/- (Rupees Ten) each.

Ministry Of Corporate Affairs

Date : 06-12-2024 6:27:27 pm

Company Information

| | |
|---|---|
| CIN | U70102UP2013PTC054746 |
| Company Name | SHINECITY INFRAPROJECT PRIVATE LIMITED |
| ROC Name | ROC Kanpur |
| Registration Number | 054746 |
| Date of Incorporation | 18/01/2013 |
| Email Id | sgaroc84@gmail.com |
| Registered Address | IV Floor, C.P.-1/5, R Square Complex, Vipul Khand, Gomti Nagar Scheme, Lucknow, Lucknow, Uttar Pradesh, India, 226010 |
| Address at which the books of account are to be maintained | - |
| Listed in Stock Exchange(s) (Y/N) | No |
| Category of Company | Company limited by shares |
| Subcategory of the Company | Non-government company |
| Class of Company | Private |
| ACTIVE compliance | ACTIVE Compliant |
| Authorised Capital (Rs) | 1,00,00,000 |
| Paid up Capital (Rs) | 1,60,000 |
| Date of last AGM | 30/09/2018 |
| Date of Balance Sheet | 31/03/2018 |
| Company Status | Active |

Jurisdiction**ROC (name and office)**

ROC Kanpur

RD (name and Region)

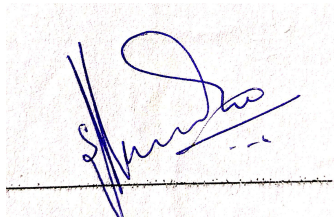
RD, Northern Region

Index of Charges

No Records Found

Director/Signatory Details

| Sr. No | DIN/PAN | Name | Designation | Date of Appointment | Cessation Date | Signatory |
|--------|----------|---------------|---------------------|---------------------|----------------|-----------|
| 1 | 02862453 | RASHID NASEEM | Additional Director | 02/07/2018 | - | Yes |
| 2 | 06417012 | ASIF NASEEM | Director | 18/01/2013 | - | Yes |



True copy

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

First Information Report

(Under Section 154 of Criminal Procedural Code)

1. District/ Unit: City (Commissionerate, P.S. (Police Station), Civil lines Year: 2020
Prayagraj) Lines
FIR No. (P.S. No.): 0558 Date and Time of FIR:
30/09/2020 18:45 hrs

- | 2. S. No. | Acts | Sections |
|-----------|---------------|----------|
| 1. | IPC 1860 | 419 |
| 2. | From IPC 1860 | 420 |
| 3. | IPC 1860 | 467 |
| 4. | IPC 1860 | 468 |
| 5. | IPC 1860 | 406 |
| 6. | From IPC 1860 | 506 |

3. (a) Occurrence of offences:

1 Day: Date from: Date To:

Time Period: Time from: Time to:

(b) Information received at P.S. Date: Time: 18:45
(Police station where 30/09/2020
Information was received)

(c) General Diary Reference: Entry No.: 035 Date and Time
30/09/2020
At 18:45

4. Type of Information: Written

5. Piece of Occurrence:

1. (a) Direction and distance from P.S. Beat No:
North- East, 2.5 Km.

(b) Address: Sign City Office Near Big Bazar, Present Name Locanto
Company, Prayagraj

(c) In case, outside the limit of this Police Station, then Name of P.S. (In
case, outside the limit of this Police Station, then Name of P.S.):

District (State) (District (State)):

6. Complainant/Informant:

(a) Name: Shri Prakash Chandra Tiwari

(b) Father's Name: Shri Lalta Prasad Tiwari

(c) Date/ Year of Birth: 1980 (d) Nationality: India

(e) UID No.:

(f) Passport No.:

Date of Issue: Place of Issue:

(g) ID Details (Ration Card, Voter ID Card Passport, UID No., Driving License, PAN).

S.No. ID Type (ID Number of the identity card type)

(S. No.) Type

(i) Occupation:

(j) Address:

| S. No. | Address Type | Address |
|--------|-------------------|---|
| 1. | Current address | 313 Naya Basti Sobhatiya Bagh, George Town, Nagar (Commissionerate Prayagraj), Uttar Pradesh, India |
| 2. | Permanent address | - 313 Naya Basti Sobhatiya Bagh, George Town, Nagar (Commissionerate Prayagraj), Uttar Pradesh, India |
| 3. | Phone Number | Mobile No.: 91-8726627772 |

7. Details of known/ suspected/ unknown accused with full particulars:

N.C.R.B.

Accused More Than (if unknown accused are more than one then number): 0

| S. No. | Name | Alia | Relative's Name | Present Address |
|--------|-------------------|------|--------------------|-----------------|
| 1. | Rashid Naseem | | Naseem Ahmed | 1. Unknown |
| 2. | Asif Naseem | | Naseem Ahmed | 1. Unknown |
| 3. | Md. Jasim Khan | | Naseem Ahmed | 1. Unknown |
| 4. | Neeraj Srivastava | | Naseem Ahmed | 1. Unknown |
| 5. | Javed Iqbal | | Naseem Ahmed | 1. Unknown |

8. Reasons for delay in reporting by the complainant/ informant:

9. Particulars of properties of interest:

| S.No. (Br.San.) | Property Category (Property Category) | Property Type (of property Type) | Value(In Rs/-) (Value in Rs.) |
|--------------------|--|-------------------------------------|-------------------------------------|
|--------------------|--|-------------------------------------|-------------------------------------|

10. Total value of property (In Rs/-) (Total value of property (in Rs)):

11. Inquest Report/U.D. case No., if any:
S. No. UIDB Number (Serial No.)

12. First Information contents:

Copy of written complaint in Hindi Typewritten To, 1. Mr. Inspector General of Police, Prayagraj Zone, Prayagraj. Area Officer, Civil Lines. Subject: Regarding fraud and embezzlement of Rs 75 lakhs by Rashid Naseem son of Naseem Ahmed, Asif Nafees, Javed Iqbal, Mohd. Jasim Khan son of Naseem Khan, Neeraj Shrivastava, Director Sign City Police Station Civil Lines, with the applicants. Sir, the above accused cheated the applicant and made him invest Rs 28 lakhs in Sign City and it was said that after 15 months your money will become two and a half times and you can get this money through a post dated cheque issued by the company. The company issued 7 cheques of Rs 2,00,000/- (two lakh rupees) in favour of the applicant Shri Laalta Prasad Tiwari in a fraudulent manner for a closed account dated 20.03.2020. And 7 post dated cheques of Rs. 2,27,000/- (two lakh twenty seven thousand) were issued on 20 June 2020. The above cheque was dishonoured as the account was blocked. The applicant Prakash Chand Tiwari was to receive a post dated cheque of about Rs. 35 lakhs which was not given. Rs. 4,00,000/- (four lakh rupees) was given to the accused Jasim Khan by cheque for investment but neither the principal of Rs. 4 lakhs nor the interest of Rs. 3 lakhs was

N.C.R.B.

returned. The applicants did not believe the scheme explained by the accused. But they said that we will invest the capital invested by you in buying cheap land and by developing it we will earn 4 times profit in about a year.

Due to which we are giving you two and half times the profit on the capital invested by you. It has been found that the above mentioned persons are continuing the work of fraud in the name of Locanto Company by changing the name of Sign City in the same office. This proves that the above mentioned fraudsters have a clear intention to usurp the applicants instead of paying the due amount repeatedly. Sign City's office is Civil Lines (near Big Bazaar). This company is continuing the work of fraud in the name of Locanto Company at the same place with the intention of usurping the invested capital by luring people with forged documents by showing them the lure of money and land. To carry out this entire work, 5 to 7 groups run the business in the form of a gang. On asking for the money back, the members of their gang threaten to kill them and they have to struggle a lot to get back their hard earned money. After being intimidated and threatened by these people, people do not even have the courage to lodge an FIR. After the Inspector General of Police, Prayagraj Zone, took cognizance of the matter in the public hearing, some aggrieved persons, showing courage, have filed a report against the Sign City Company for taking action. Other complainants 1- Shri Ram son of Lala Ram 2- Asha Saxena wife of Maya Shankar 3 Deep Chandra Gupta 4 Chandra Bhushan Squadron Leader 5- Radheshyam Shukla 6-, Indrajit Gupta 7- Sandeep Gupta 8- Diwakar Tiwari 9- Akbar Ali Ansari 10 Shamshad Ali 11 Nirbhay Jaiswal 12- Chandrama Rai 13- Vindeshwari Prasad 14- Mrs. Kiran Kumari 15- Shambhu Nath 16- Anupam Suresh 17- Abhinav Kumari 18- Rajiv Srivastava The names of the accused along with their mobile numbers are as follows 1 Rasid Naseem son of Naseem Ahmed 2- Asif Nafees, Javed Iqbal, Mohd. Jasom Khan sons of Naseem Khan 3- Neeraj Srivastava Mobile No. 9889670030 The scheme of the company was explained by them. 4- Javed Iqbal Mobile No. 9721800030, 8299774754, 8896819637 is the head of Sign City and the present Locanto Company after

changing its name. The business in India is being looked after by him. 5- Jasim Khan Mobile No. 9336336523, 91251348744. Investment of Rs. 1 lakh has been done by them. Hence, it is requested that by showing fake documents, the above accused have neither given the land nor are they returning the money. First Information Report has been registered in relation to the criminal act committed by them, embezzlement by presenting fake documents and fraud.

N.C.R.B.

Kindly get the money back to the applicants by taking action against the accused. We would be highly grateful to you. Applicant SD unreadable Prakash Chandra Tiwari son of Shri Laalta Prasad Tiwari resident of 313 New Basti Sohbatiya Bagh Prayagraj Mobile No. 8726627772 Note- I, Mr. Dayashankar Yadav, certify that on the basis of the complaint, the registration has been done and a copy of the complaint has been entered word by word on the computer.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(1) Registered the case and took up the investigation: / or

(2) Directed (Name of I.O.) (Name of Investigating Officer): (San.): 970490160 Rank: Rajesh Kumar Singh No. (Post): Sub Inspector/ Senior Inspector to take up the Investigation or (or)

(4) Transferred to P.S. (Thana): District (District): on point of jurisdiction (due to transfer of jurisdiction).

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

R.O.A.C. (R.O.A.C.)

Signature of Officer in charge,
Police Station

14. Signature/ Thumb
Impression of the
complainant/ informant

Name: RAVINDRA
PRATAP SINGH
Rank: 1 (Inspector)
No. (Ed.):

15. Date and time of dispatch to the court:

Attachment to item 7 of First Information Report:

Physical features, deformities and other details of the suspect/accused: (If

N.C.R.B.

known/seen)

(Physical features, deformities and other details of the suspect/accused: (if known/seen))

| S.No. | Sex | Date/ Year of Birth | Build | Height | Complexion (color) | Identification Marks |
|-------------------------------|----------------|---------------------------|-------|----------|--------------------|-------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Men | | | | | Smallpox: No. |
| 2 | Male | | | | | Smallpox: No. |
| 3 | Male | | | | | Smallpox: No. |
| 4 | Male | | | | | Smallpox: No. |
| 5 | Male | | | | | Smallpox: No. |
| Deformities/ Peculiarities | Teeth | Hair | Eyes | Habit(s) | Dress Habit | |
| 8 | 9 | 10 | 11 | 12 | 13 | |
| Language/ Dialect | Place of | Others | | | | |
| Burn Marks | Leucoder ma | Mole | Scar | Tattoo | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD

INDEX

IN

CRL . MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

DISTRICT -PRAYAGRAJ

Prakash Chandra Tiwari

..... Petitioner

Versus

Union of India & others

..... Respondents

| S. NO. | PARTICULARS OF PAPER | DATE | ANN. NO. | PAGE NO. |
|-----------|--|------------|----------|----------|
| 1. | Date and events | | | 1-9 |
| 2. | Application for Interim Relief. | | | 10-13 |
| 3. | Writ Petition {Under Article 226 of the Constitution of India). | 18.12.2023 | | 14-33 |
| 4. | A True certified copy of the First Information Report in case crime no 0558/2020 | 30.09.2020 | 1 | 59-66 |

| | | | | |
|-----|--|--------------------------|---|---------|
| 5. | A true copy of the receipt of ~28,00,000/- (INR six lakhs' rupees) invested/ deposited in Shine group (shine city) company's offer pip (project investment plan) and LTL (larger than life). | 20.03.2019 15.08.2019 | 2 | 67-86 |
| 6. | A true copy of the news article stating the arrest of respondent no. 9 CMD and its upper management staff. | | 3 | 87-88 |
| 7. | The True copy of the bank cheques and the Return/ bounced Memo Report by the bank. | | 4 | 89-105 |
| 8. | The True copy of the I.G Region Prayagraj by the petitioner this Writ Petition. | | 5 | 106-112 |
| 9. | The copy of the memo of parties & case status in civil | | 6 | 113-114 |
| 10. | The copy of case status in Civil Misc. Writ Petition No. 33969 of | | 7 | 115-117 |

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|-----|--|------------|----|---------|
| | 2021 (Mohd Javed Vs. State of Uttar Pradesh). | | | |
| 11. | The True copy of the transactional receipts of Rs. 28,00,000/- (INR Twenty Four Lakhs rupees) and invested/ deposited the above-mention amount in installments to respondent no. 9. | | 8 | 118-120 |
| 12. | The photo copy of the order in criminal misc. Writ petition no. 2230 of 2022 namely (shine city infra projects Pvt. Ltd vs. State of Uttar Pradesh and others) and true copy of the press highlights of the INR 60 highlighting. | 28.09.2022 | 9 | 121-123 |
| 13. | A copy of the or Criminal Misc. Writ No. 2230 of 2022 (Shine City Infra. Project Pvt Ltd Vs. State of Uttar Pradesh and Others) and news article. | 17.10.2022 | 10 | 124-128 |

| | | | | |
|-----|--|--------------------------|----|---------|
| 14. | True copy of the orders dated, 02.12.2020 & 27.01.2021 in PIL civil no. 22574 of 2020 of Lucknow bench of the hon'ble high court of judicature Allahabad Lucknow bench, Lucknow. | 02.12.2020 27.01.2021 | 11 | 129-132 |
| 15. | The copy of the order. in Criminal Misc. Writ Petition No. 1834 of 2021 namely (Sriram Ram vs. State of U .P. & others). | 31.01.2023 | 12 | 133-136 |
| 16. | A detailed tabular representation of the order sheet and compliance table is been filed. | | 13 | 137-149 |
| 17. | Affidavit | 18.12.2023 | | 150-153 |
| 18. | Vakalatnama | 18.12.2023 | | 154 |

Dated: 18.12.2023

RISHABH RAJ

Advocate, Allahabad High Court

GAURAV GULATI

Advocate, Allahabad High Court

Enrolment No. UP/10000/2022
(Old D/931/2016)
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IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD

DATES & EVENTS

IN

CRL . MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

DISTRICT -PRAYAGRAJ

Prakash Chandra Tiwari

..... Petitioner

Versus

Union of India & others

..... Respondents

| S. No. | Date | Event |
|--------|-------------|---|
| 1. | 18.01 .2013 | Shine City Infra Project Private Limited is a private limited company registered under Companies Act 1956 is real estate conglomerate with several other entities enlarging it. |
| 2. | 18.01 .2013 | Rashid Naseem and Asif Naseem are the founding directors of the company and the directors in all the companies of the conglomerate. They are chief managing director and Managing Director of the Shine group respectively. |
| 3. | 30.09.2020 | The Petitioner is the complainant/aggrieved party in the first information |

| | | |
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| | | <p>report in case crime no 0558 of 2020 under section 419, 420, 467, 468, 406, 506 of IPC lodged in police station: Civil lines district: Prayagraj</p> |
| 4. | | <p>That the petitioner and his father had invested in two plans, the following details of the investment plans are in detail given below:</p> <p>of the petitioner Cheque No. 452271 of 10,00,000 /- (State Bank of India, High Court Branch) dated 19.03.2019 plot no. DA 16943, DA-16944, DA-16949, DA--16950, DA-16951, DA 16952, DA-16953 and DB-8080 I and in the name of the father of the petitioner (Shri Lalta Prasad Tiwari) through Cheque No. 452271 of 10,00,000/ (State Bank of India, High Court Branch) dated 19.03.2019 and plot no. DA-13647: DA-136461 DA-13645, DA-13644, DA 13621 and DA-13648 that on 20.03.2019 they had invested/ deposited the amount of 24,00,000 /- (INR twenty- four Lakh rupees) in the Shine Group (Shine city) company's investment scheme, PIP (Project Investment Plan) in the name of the petitioner and his father, against</p> |

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| | | <p>which amount. of 70,00,000 / - (INR Seventy Lakh rupees) was promised to be remitted back to the petitioner and his father within 15 months from the date of investment/ deposit.</p> <p>ii. The second investment was in LTL(Larger than life), where the petitioner and his father had invested Rs. 4,00,000/- through cheque no. 452304 and 395301 through account no. 10277472383 (Shri Lalta Prasad Tiwari) and Account no. 20256597141 (petitioner) on 15.08.2019.</p> |
| 5. | | <p>That after numerous requests for issuing the cheques for the return on investment/deposit no proper reply was given. That after repeated requests, no response was given. Then the petitioner met respondent No. 9 Director /Chief Managing Director (CMD) Rashid Naseem, who assured that cheques are not a big issue and that when the due date comes, the amount will be transferred into his account through National Electronic Fund Transfer (NEFT).</p> |

| | | |
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| 6. | | <p>That the money so deposited as investment by the investors was utilized for purchasing, lands which were later offered in the market, for sale and purchase. The company even published and distributed its site layout plans of various locations which were being circulated in the market these sites were located not only in the State of Uttar Pradesh but also in various locations of Chhattisgarh, Madhya Pradesh, West Bengal, Haryana, Bihar etc</p> |
| 7 | | <p>That the Shine City's business was not limited to real estate but also involved in manufacturing R.O. Water Purifiers. Here again, the interested buyer were expected to deposit a booking amount for a particular water purifying machine and therefore would have to wait for the delivery of the product.</p> <p>Here again, the Shine City attracted thousands of customers as they were promised premium quality R.O Machines for a highly competitive price. Thousands of customers who had pre-booked the R.O. Machines despite the booking amount</p> |

| | | |
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| | | Water Purifier was another fraudulent scheme of the Shine City. |
| 8 | | That at the time of maturity when the petitioner contacted the company for payment on the previous investment/ deposit, it was learnt from the aforesaid respondent no. 9 (a) and (b) Managing Director Asif Naseem and Chief Managing Director (CMD) Rashid Naseem and that the other upper management staff. have been arrested in Kathmandu, Nepal and are charged for cases which are against -the economic & social tranquillity of the Federal Democratic Republic of Nepal and thereof, the company /respondent no. 9 needs some time for re-payment. |
| 9 | | That the petitioner was shown false, forged and fabricated documents of investment schemes by respondent no. 9 that the money of the existing customers of the company was being returned even before the maturity period, thus the petitioner was further deceived and further lured into the pretext of false assurance. |
| 10 | | That the private respondent ,denied · making the return on investment/deposit |

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| | | <p>by the petitioner and his father, and later on repeated reminders the private respondent issued 14 bank cheques in the name of the father of the petitioner in which 7 cheques amounted to Rs 2,27,000 /- (INR Two Lakh Twenty Seven Thousand rupees) and 7 cheques amounting to ~2,00,000 (INR Two Lakh rupees) and eventually when the petitioner deposited the cheques to the account at State Bank of India, High Court Branch all the cheques were returned/bounced by the bank unpaid, the petitioner gave an application with details of the fraud which the private respondent played with the investors and the petitioner, and on the same application the First Information report in case crime no 0558 of 2020 under section 419, 420, 467, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj</p> |
| 11 | | <p>unpaid, the petitioner gave an application with details of the fraud which the private respondent played with the investors and the petitioner, and on the same application the First Information was been registered against the private</p> |

| | | |
|----|--|---|
| | | respondents. First Information Report in case crime no 0558 of 2020 under sections 419, 420, 457, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj. |
| 12 | | That the Cyber Crime P.S. region Prayagraj froze the account no. 502000173111816 (IFSC: HDFC0000226) HDFC Bank, 18-A, S.P Marg, Civil Lines, after the application given to the 1.G Region Prayagraj and in pursuance to the First Information Report dated in case crime no 0558 of 2020 under sections 419, 420, 467, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj |
| 13 | | That it is pertinent to mention that after the fraud played by the company and the private respondents in the name of Shine City Infra Project Private Limited, the private respondents in the same premises started another venture in the name of Locanto World Infraproject Private Limited, that it is pertinent to mention that the private respondents with the ulterior motives have started the said venture to fraudulently jeopardize the |

| | | |
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| | | hard-earned money of the investors in the name of said fraud schemes. |
| 14 | | That the Locanto World Infraproject Private Limited was managed by Mohd Javed, Mohd Jaseem, Saharzil Khan (nephew of Rashid Naseem), Sandeep.... was unanimously managed by them. Several revenue records have been manipulated with the hand in gloves by several revenue officers in Pratapgarh and various other cities. |
| 15 | | That it is pertinent to mention that after the Cyber Crime P.S. region, Prayagraj freeze the account no. 502000173111816 (IFSC: HDFC0000226) HDFC Bank, 18-A, S.P Marg, Civil Lines, a Civil Misc. Writ Petition No. 33969 of 2021 (Mohd. Javed Vs. State of Uttar Pradesh, was filed with a prayer to de-freeze the account, the same is pending before the Hon'ble Court. |
| 16 | | That it is relevant to mention that the petitioner was not made a party to the said petition, the petitioner had filed an impleadment application in the said Writ Petition, and the said application is pending in the aforementioned matter. |

| | | |
|----|--|--|
| 17 | | That Chief Managing Director namely Rashid Naseem respondent no. 9 (a) has fraudulently cheated more than Ten lakh investors of Uttar Pradesh and the invested amounts approximately exceeding INR 60 Thousand Crore Rupees (approx. 8 Billion USD) and approximately more than 2500 First Information Reports (FIRs) have been lodged against the respondents. |
| 18 | | That the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow in P.I.L Civil No 22574 of 2020 Bhartiya Manav Utpeedan Unmolan Sanghatan thru Presiderit us State of U.P. Through Principal Secretary Home and others..... director in the this PIL the Hon'ble Court has observed that ". the petitioner feels that the investigation conducted by the police is not proper and the matter requires investigation by another agency, the petitioner at that stage may approach the appropriate authority for the investigation by the SIT or CBI....." |
| 19 | | That the present matter of Shine City group is being investigated by the elite agencies of the centre and state |

| | | |
|----|--|---|
| | | <p>government namely Central Bureau Investigation (CBI) with Interpol; Enforcement Directorate (ED); Serious Fraud Investigation Office (SFIO) and Economic Offence Wing Uttar Pradesh (EOW UP) despite that there has being a mockery of the investigation done by the agencies which is also pointed out in the speaking orders by the Hon'ble Chief Justice of Allahabad High Court during hearing of the case shine city multibillion scam.</p> |
| 20 | | <p>That the miscoordination of investigation by the agencies because of their limited purview of jurisdiction in the investigation of the present scam is hampering the investigation at large. Thus, it is in the interest of Justice to have a Central Bureau of Investigation (CBI) as a nodal agency to investigate this large scam.</p> |
| 21 | | <p>That even the agencies have failed to recover the Customer Relationship Management (CRM) data which contains all the records and data of the company was an essential tool in crafting and hatching this huge multibillion scam.</p> |

| | | |
|----|--|---|
| 22 | | <p>That it is crucial to bring before the kind notice of this Hon'ble Court that the..... Petition No. 1834 of 2021 (Shriram Ram. Vs. State of Uttar Pradesh and Others), categorically pointed out in para 5 that</p> <p style="text-align: center;"><i>"Learned counsel of the petitioners has pointed out that even though the respondents claim that the Red Notice has been issued for the arrest of Rashid Naseem, however, the same is still not reflected on the official website of C.B.I, E.D or Interpol. To this, learned counsel appearing for C.B.I did not have any answer."</i></p> <p>Even till yet the website of the above mentioned agencies does not show the same on their website.</p> |
| 23 | | <p>That the key individuals involved in crafting this huge scam are still managing and enjoying the fruits of the proceeds of crime of this large multibillion scam and all the agencies</p> |

| | | |
|---------------------|--|--|
| | | have failed to recover nor been able-to trace this so far. |
| 24 | | That the menace & proceeds of the crime of this multi-billion scam is spread across several states and even overseas. Thus, in the interest of justice a fair and though investigation is required by Central Bureau of Investigation (CBI). |
| 25 | | That in the light of the narration made by the petitioner in the preceding paragraphs it is humbly prayed before this Hon'ble Court that to get an investigation conducted, an investigation of all the cases related to Shine City Multibillion Scam should be transferred to Central Bureau of Investigation(CBI) which doubt is created in the mind of the petitioner and the general public that due to balkanization of investigation, the agencies are not able to investigate the multibillion scam fairly. |
| | | In the light of justice a Central Bureau of Investigation (C.B.I) inquire is: |
| HENCE THIS PETITION | | |

Dated: 20.12.2023

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CHAMBER

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High Court Allahabad

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IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD

CRIMINAL MISC. APPLICATION NO.....OF 2023

IN

CRIMINAL MISC WRIT PETITION NO.....OF 2023

(Under Article 226 of the Constitution of India)

DISTRICT- PRAYAGRAJ

Prakash Chandra Tiwari S/o Shri Lalta Prasad Tiwari

r/o 313, Nai Basti, Sohabhatiya Bagh, District

Prayagraj

.....Petitioner

VERSUS

1. Union of India Ministry of Home Affairs through Secretary J674 + VGV, North Block, Central Secretariat, New Delhi -110001, India
2. Central Bureau of Investigation (CBI) through it's Director. 1st floor CGO Complex, Block No 3 Lodhi Road, New Delhi-110003, India
3. Enforcement Directorate through it's Director Pravartan Bhawan, APJ Abdul Kalam, Road, New Delhi-110011, India.
4. Serious Fraud Investigation Office (SFIO) through it's Director, 2nd Floor Paryavaran Bhavan Lodhi Road, CGO Complex, New Delhi-110001, India.
5. Economic Offence Wing (EOW Uttar Pradesh), through it's Director Police Head Quarters, Signature Building EOW 4th Floor, Tower-3, Lucknow, Uttar Pradesh 226002, India.

6. State of Uttar Pradesh through Secretary (Home), Department of UP. at Lucknow.
7. Director General of Police, Uttar Pradesh, Lukhnow
8. Senior Superintendent of Police of Prayagraj, Prayagraj
9. Shine City Infra Project Pvt. Ltd, Branch Office situated at 15 & 18A, 1 Ficor, Gayatri Dham Milan Tower, Behind Max Mall, Mahatma Gandhi Marg, Civil Lines Prayagraj, Uttar Pradesh-211001, India..
 - a. Chief Managing Director namely Rashid Naseem S/o Naseem Ahmed r/o 8-1706/14 GTB Nagar Karri, Prayogiraj, Utsu Pradesh-2110016
 - b. Managing Director namely Asif Naseem So Nascem Ahmed r/o B-1706/14 GTB Nagar Kareli, Prayagraj, Uttar Pradesh-2:10016.
10. Mohd. Jasim Khan 8/0. Mohd Naseem Khan Chak Imamali Saha Ji ka Pura, Nani, Allahabad Uttar Pradesh
10. Mohd Jasim Khan S/o. Mohd Naseem Khan Chak imamali Saha Ji ka Pura, Nani, Allahabad Uttar Pradesh
11. Neeraj Srivastava Rio. 18 18A, 1 Floor, Mahatma Gandhi Marg: Civil Lines Prayagraj, Uttar Pradesh-211001, India.
12. Mohd. Javed Iqbal S/o. Mohd. Umar Farooque, R/o. 141/120A, Ganga Ganj Pura, Manobardas li Baghiya. Kareli, Prayagraj, Uttar Pradesh-211016.

.....Respondents

To,

The Hon'ble the Chief Justice and His Other Companion Judges of the aforesaid Court

The humble application of the above-named Applicants Petitioners
Most Respectfully Showeth as under:

1. That the full facts and circumstances of the case have been stated in the accompanying writ petition which forms part of this application

PRAYER

It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to direct the respondents nos 1 & 6 to consolidate the balkanization of the ongoing Investigation in the state and to transfer the full fledged Investigation and inquire under the supervision of Central Bureau of Investigation (CBI) extradite and arrest those persons to India who are involved in the offence, in the public interest of justice.

It is also prayed that this Hon'ble Court may kindly be pleased to direct the respondents' agencies to recover the Customer Relationship Management (CRM) data and to trace, recover and arrest those individuals possessing & managing the proceeds of the crime respectively to unveil this huge multi-billion scam in its true sense.

Further, it is also prayed to the private respondents to return the money deposited by the petitioner and other investors/depositors with an interest of 18% per annum And/or pass such other and further order as tius Hon'ble Court may deem fit and proper under the facts and circumstances of the Case

Date: 18.12.2023

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108, Lawyers Chambers

High Court Allahabad

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IN THE HIGH COURT OF JUDICATURE AT

ALLAHABAD

CRIMINAL MISC. APPLICATION NO.....OF 2023

IN

CRIMINAL MISC WRIT PETITION NO.....OF 2023

(Under Article 226 of the Constitution of India)

DISTRICT- PRAYAGRAJ

Prakash Chandra Tiwari S/o Shri Lalta Prasad Tiwari

r/o 313, Nai Basti, Sohabhatiya Bagh, District

Prayagraj

.....Petitioner

VERSUS

1. Union of India Ministry of Home Affairs through Secretary J674 + VGV, North Block, Central Secretariat, New Delhi -110001, India
2. Central Bureau of Investigation (CBI) through it's Director. 1st floor CGO Complex, Block No 3 Lodhi Road, New Delhi-110003, India
3. Enforcement Directorate through it's Director Pravartan Bhawan, APJ Abdul Kalam, Road, New Delhi-110011, India.
4. Serious Fraud Investigation Office (SFIO) through it's Director, 2nd Floor Paryavaran Bhavan Lodhi Road, CGO Complex, New Delhi-110001, India.
5. Economic Offence Wing (EOW Uttar Pradesh), through it's Director Police Head Quarters, Signature Building EOW 4th Floor, Tower-3, Lucknow, Uttar Pradesh 226002, India.

6. State of Uttar Pradesh through Secretary (Home), Department of UP. at Lucknow.
7. Director General of Police, Uttar Pradesh, Lukhnow
8. Senior Superintendent of Police of Prayagraj. Prayagraj
9. Shine City Infra Project Pvt. Ltd, Branch Office situated at 15 & 18A, 1 Ficor, Gayatri Dham Milan Tower, Behind Max Mall, Mahatma Gandhi Marg, Civil Lines Prayagraj, Uttar Pradesh-211001, India.
 - a. Chief Managing Director namely Rashid Naseem S/o Naseem Ahmed r/o 8-1706/14 GTB Nagar Karri, Prayogiraj, Uttar Pradesh-2110016
 - b. Managing Director namely Asif Naseem So Naseem Ahmed r/o B-1706/14 GTB Nagar Kareli, Prayagraj, Uttar Pradesh - 210016.
10. Mohd. Jasim Khan 8/0. Mohd Naseem Khan Chak Imamali Saha Ji ka Pura, Nani, Allahabad Uttar Pradesh
10. Mohd Jasim Khan S/o. Mohd Naseem Khan Chak imamali Saha Ji ka Pura, Nani, Allahabad Uttar Pradesh
11. Neeraj Srivastava Rio. 18 18A, 1 Floor, Mahatma Gandhi Marg: Civil Lines Prayagraj, Uttar Pradesh-211001, India.
12. Mohd. Javed Iqbal S/o. Mohd. Umar Farooque, R/o. 141/120A, Ganga Ganj Pura, Manobardas li Baghiya. Kareli, Prayagraj, Uttar Pradesh-211016.

.....Respondents

To,

The Hon'ble the Chief Justice and his other companion judges of the aforesaid court.

The humble application of the abovenamed applicant most respectfully showeth as under:

1. That this Criminal Misc. Writ Petition is being filed to secure the fundamental rights of the petitioner and also the fundamental rights of the large community of investors at stake due to the illegal action of the private respondents and an inaction on the part of state authorities .
2. That it is the first Writ Petition of the Petitioner is also , seeking specific action against the absconding Chief Managing Director (CMD) namely Rashid Naseem and Managing Director Asif Naseem respondent no. 9 who have fled away from India to Dubai, United Arab Emirates and close acquaintances and have been operating the business from an unknown location within India and managing the proceeds of the crime respectively.
3. That no other writ petition has been filed before this Hon'ble Court or its Lucknow Bench by the petitioner for the same cause of action.
4. That the petitioner has not received any application filed by the respondents so far. caveat
5. That the petitioner Is the complainant/aggrieved party in the First Information Report dated 30.09.2020 in case crime no 0558 of 2020 under sections 419, 420, 457, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj.
6. That the instant writ petition is being filed before this Hon'ble Court by the petitioners against the Shine City Multi Billion Scam where lakhs

of investors are deceived with a cumulative amount which is approx. 60 thousand crores.

7. There are several criminal miscellaneous writ petitions been filed and are pending before this Hon'ble Court in which the leading case, Criminal Misc. Writ Petition No. 1834 of 2021 namely (Shriram Ram vs State of U.P. & others).
8. That the facts of the case, in a nutshell, are that a First Information Report dated 30.09.2020 in case crime no. 0556 of 2020 under sections 419, 420, 467, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj against the respondent no. 9 to 12 Chief Managing Director namely Rashid Naseem and Managing Director namely Asif Naseem, after the representation was made before the Additional Director General of Police, Prayagraj Zone, Prayagraj by the informant/petitioner. The informant/petitioner in the case crime 0558 of 2020 lodged F.I.R against respondent no: 9 to 12 to recover back there hard earn money which was invested/deposited in the Ponzi scheme of respondent no. 9 to 12. The True certified copy of the First Information Report in case crime no 0558/2020 lodged at. Police Station: Civil Lines, District: Prayagraj filled herewith and marked as **Annexure no. 1** to this Writ Petition.
9. That it is pertinent to mention that the petitioner is a practising advocate in this Hon'ble High Court, and it is relevant to mention that the petitioner and his father Shri. Lalta Prasad Tiwari (Advocate) invested money in the scheme of Shine City Infra Project Private Limited, Registered Office 1/5, Floor, R-Square Complex, Vipul Khand, Gomti Nagar. Lucknow-226010; Branch Office: 2nd Floor, Shop No. 4, Vinayak Central Plaza, Cooper Road, Civil Lines, Prayagraj-211001,

10. That the Shine City was established by Rashid Naseem S/o. Naseem Ahmad along with his brothers Asif Naseem and Aqib Ahmad and respondents no. 10 to 12 are persons who are part of the company. The company initially invited investment from the public in general with a promise to give sure returns of 2 times and in some cases even 3 times within a year of the amount invested in the company. That to entrust some level of reliability in the amounts invested by the investors, the company even gave the investors post-dated cheques at the time of investment, as to ensure the returns.
11. That the petitioner and his father had invested in two plans, the following details of the investment plans are in detail given below:
- i. Dausa PIP 200000, in the name of the petitioner through Cheque No. 452271 of ₹10,00,000/- (State Bank of India, High Court Branch) dated 19.03.2019 plot no.s DA-16943, DA-16944, DA-16949, DA-16950, DA-16951, DA-16952, DA-16953 and DB-8080 and in the name of the father of the petitioner (Shri. Lalta Prasad Tiwari) through Cheque No. 452271 of ₹10,00,000/- (State Bank of India, High Court Branch) dated 19.03.2019 and plot nos PA-13619, DA-13647, DA-13646, DA-13645, DA-13644, DA-13621 and DA-13648 that on 20.03.2019 they had invested/deposited the amount of 124,00,000/- (INR twenty-four Laka rupees) in the Shine Group (Shine city) company's investment scheme, PIP (Project Investment Plan) in the name of the petitioner and his father, against which the amount of ₹70,00,000/- (INR Seventy Lakh rupees) was promised to be remitted back to the petitioner and his father within 15 months from the date of investment/deposit.

- ii. The second investment was in LTL (Larger than Life), where the petitioner and his father had invested ₹4,00,000/- through cheque no. 452304 and 395301 through account no. 10277472383 (Shri Lalta Prasad Tiwari) and Account No. 20256597141 (petitioner) on 15.08.2019.

The true copy of the receipt of ₹28,00,000/- (INR Six Lakhs rupees) invested/deposited in Shine Group (Shine City) company's offer PIP (Project Investment Plan) and LTL (Larger Than Life) dated 20.03.2019 and 15.08.2019 is filled herewith and marked as Annexure No. 2 to this Writ Petition.

12. That after numerous requests for issuing the cheques for the return on investment/deposit no proper reply was given. That after repeated requests, no response was given. Then the petitioner met respondent No. 9 Director /Chief Managing Director (CMD) Rashid Naseem, who assured that cheques are not a big issue and that when the due date comes, the amount will be transferred into his account through National Electronic Fund Transfer (NEFT).
13. That the money so deposited as investment by the investors was utilized for purchasing, lands which were later offered in the for sale and purchase. The company even published and distributed its site layout plans of various locations which were being circulated in the market these sites were located not only in the State of Uttar Pradesh but also in various locations of Chhattisgarh, Madhya Pradesh, West Bengal, Haryana, Bihar etc.
14. That the Shine City's business was not limited to Real Estate but also involved in manufacturing R.O. Water Purifiers. Here again, the interested buyer were expected to deposit a booking amount for a

particular water purifying machine and thereafter would have to wait for the delivery of the product. Here again, the Shine City attracted thousands of customers as they were promised premium quality R.O. Machines for a highly competitive price. Thousands of customers who had pre-booked the RO. Machines despite the booking amount and several months of EMI never received the products. It was later discovered that Shine Water Purifier was another fraudulent scheme of the Shine City.

15. That at the time of maturity when the petitioner contacted the company for payment on the previous investment/deposit, it was learnt from the aforesaid respondent 20. 9 (a) and (b) Managing Director Aaif Naseem and Chief Managing Director (CMD) Rashid Naseem and that the other upper management staff have been arrested in Kathmandu, Nepal and are charged for cases which against the economic & social tranquillity of the Federal Democratic Republic of Nepal and thereof, the company/respondent no. 9 needs some time for re-payment A true copy of the news article stating the arrest of respondent no. 9 CMD and its upper management staff are being filed herewith and marked as Annexure No. 3 to this Writ Petition.
16. That the petitioner was shown false, forged and fabricated documents of investment schemes by respondent no. 9 that the money of the existing customers of the company was being returned even before the maturity period, thus the petitioner was further deceived and further lured into the pretext of false assurance.
17. That the private respondent denied making the return on investment/deposit by the petitioner and his father, and later on repeated reminders the private respondent issued 14 bank cheques in the name of

the father of the petitioner in which 7 cheques amounted to ₹2,27,000/- (INR Two Lakh Twenty Seven Thousand rupees) and 7 cheques amounting to 12,00,000/- (INR Two Lakh rupees) and eventually when the petitioner deposited the cheques to the account at State Bank of India, High Court Branch all the cheques were returned/bounced by the bank. The True copy of the bank cheques and the Return/bounced Memo Report by the bank is filled herewith and marked as Annexure No. 4 to this Writ Petition.

18. That after the cheques were returned unpaid, the petitioner gave an application with details of the fraud which the private respondent played with the investors and the petitioner, and on the same application the First Information was been registered against the private respondents. First Information Report dated 30.09.2020 in case crime no 0558 of 2020 under sections 419, 420, 467, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj. The copy of the First Information Report is annexed as annexure no. 1 to this petition.
19. That the Cyber Crime P.S. region Prayagraj froze the account no. 502000173111816 (IFSC: HDFC0000226) HDFC Bank, 18-A, S.P. Marg, Civil Lines, after the application given to the IG Region Prayagraj and in pursuance to the First Information Report dated 30.09.2020 in case crime no 0558 of 2020 under sections 419, 420, 467, 468, . 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj. The True copy of the I.G Region Prayagraj by the petitioner is filled herewith and marked as **Annexure No. 5** to this Writ Petition.
20. That it is pertinent to mention that after the fraud played by the company and the private respondents in the name of Shine City Infra Project Private Limited, the private respondents in Le carne premises started

another venture in the name of Locanto World Infraproject Private Limited, that it is pertinent to mention that the private respondents with the ulterior motives have started the said venture to fraudulently jeopardize the hard-earned money of the investors in the name of said fraud schemes.

21. That the Locanto World Infraproject Private Limited was managed by Mohd Javed, Mohd Jaseeni, Saharzil Khan (nephew of Rashid Naseem). Sandeep Singh, Ankit Pandey etc. The Current Urban Site in Pratapgarh Uttar Pradesh was unanimously managed by them. Several revenue records have been manipulated with the hand in gloves by several revenue officers in Pratapgarh and various other cities.
22. That it is pertinent to mention that after the Cyber Crime P.S. region, Prayagraj freeze the account no 502000173111816 (IFSC: HDFC0000226) HDFC Bank, 18-A, S.P Marg, Civil Lines, a Civil Misc. Writ Petition No. 33969 of 2021 (Mohd. Javed Vs. State of Uttar Pradesh) was filed with a prayer to de-freeze the account, the same is pending before the Hon'ble Court. The copy of the Memo of parties & case status in Civil Misc. Writ Petition No. 33969 of 2021 (Mohd. Javed Vs. State of Uttar Pradesh) is filled herewith and marked as Annexure No. 6 to this Writ Petition.
23. That it is relevant to mention that the petitioner was not made a party to the said petition, the petitioner had filed an impleadment application in the said Writ Petition, and the said application is pending in the aforementioned matter. The copy of the case status in Civil Misc. Writ Petition No. 33969 of 2021 (Mohd. Javed Vs. State of Uttar Pradesh) is filled herewith and marked as Annexure No. 7 to this Writ Petition.

24. That the innocent petitioner invested the hard-earned money, in the scheme for better future planning and invested around 28,00,000/- (INR Twenty-Four Lakhs rupees). That the money of the petitioner and his father was hard-earned money, which they had transferred from their savings accounts, to invest/deposit in respondent no. 9 fraudulently assured that 20% monthly return i.e., 1% per trading day would be given and this investment/deposit was made at respondent no. 9 office. at Prayagraj. The True copy of the transactional receipts of ₹28,00,000/- (INR Twenty-Four Lakhs rupees) and invested/deposited the above-mentioned amount in installments to respondent no. 9 by the petitioner are filled herewith and marked as Annexure No. 8 to this Writ Petition.
25. That the above-mentioned investment/deposit was made on 20.03.2019 and 15.08.2019 in which the return was given timely for five months and then thereafter return from the investments was stopped on the false fraudulent pretext of system upgrade.
26. That the private respondents had cleverly designed the marketing plan in such a way that when anyone who Invests/ deposits any money in the company his/her login id is created and whenever anyone invests/deposits any money or buys any land from the company with the referral of the old investor/depositor then automatically the introducer/ old investor/ depositor earns some referral income, smartly disguising his lucrative network marketing plan as a business plan of private respondents. Thus, by this false lucrative mode, the private respondents deceived several innocent investors/depositors.
27. That in the meantime, the petitioner learnt that some upper management staff are working at the Lucknow Head office, on this the petitioner approached the head office.. There it was learnt that a lot of people have

been dealt with in the same manner by private respondents and slowly they started closing their offices in all the cities and have fled away.

28. That Chief Managing Director namely Rashid Naseem respondent no. 9 has fraudulently cheated more than Ten lakh investors of Uttar Pradesh and the invested amounts approximately exceeding INR 60 THOUSAND CRORE RUPEES (approx. 8 BILLION USD) and approximately more than 2500 FIRST INFORMATION REPORTS (FIRS) have been lodged against the respondents.

The Photo copy of the order dated 28.09.2022 in Criminal Misc. Writ Petition No. 2230 of 2022 namely (Shine City Infra Projects Pvt. Ltd Vs. State of Uttar Pradesh and others) and true copy of the press highlights of the INR 60 thousand crore rupees scam and other press articles. highlighting herewith and marked as Annexure No. 9 Colly. to this Writ Petition.

29. That the private respondents cheating domain even knocked on the technological doors of cryptocurrency, their iniquitous fraudulent mind led them to launch a fake cryptocurrency company namely Crypto Coin / Sky Ocean token amount which was equivalent to INR 9 CRORE RUPEES and within six months the private respondents had made a fraud of INR SC CRORE RUPEES. That it is relevant to mention that, the Hon'ble Chief Justice in his order dated 17.10.2022, in Criminal Misc. Writ Petition No. 2230 of 2022 (Shine City Infra Project Pvt. Ltd. Vs. State of Uttar Pradesh and Others), categorically stated in para 7.

"Even the State has not shown seriousness in investigation, as number of documents furnished by the counsel appearing forparties or representing the investors, who may not be a party to any litigation pending before this Court with regard to

cryptocurrency, namely Shine V. Coin (SVC) and Get the Vectory Coin (GDVC) have not been examined. The information thereof was furnished to the officer's present in Court on the last date of the hearing."

A copy of the order dated 17.10.2022, in Criminal Misc. Writ Petition No. 2230 of 2022 (Shine City Infra Project Pvt. Ltd. Vs. State of Uttar Pradesh and Others) and news article have been filed herewith and marked as Annexure No. 10 Colly. to this Writ Petition.

30. That the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow in P.I.L Civil No 22574 of 2020 *Bhartiya Manav. Utpeedan Unmolan Sanghatan thu President vs State of U.P. Through Principal Secretary Home and others*, which was filed against respondent no 9 and its director in the this PIL the Hon'ble Court has observed that “.....the petitioner feels that the investigation conducted by the police is not proper and the matter requires investigation by another agency, the petitioner at that stage may approach the appropriate authority for the investigation by the SIT or CBI.....”. True copy of the orders dated 02.12.2020 & 27.01.2021 in PIL Civil No. 22574 of 2020 of Lucknow Bench of the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow filed herewith and marked as Annexure No. 11 to this Writ Petition.

31. That it is pertinent to mention the funds had been utilized in various illegal activities to the benefit the private respondents. That Under Section 3 of the Prevention of Money Laundry Act, 2002 identifies "proceeds of crime" or the property representing the crime as the product of the process or activity. The three limbs of Section 2(1)(u) of

the Prevention of Money Laundry Act, 2002, which defines "proceeds of crime."

- i. Property derived or obtained, directly or interictally as a result of criminal activity relating to the scheduled offence.
- ii. Value of property derived or obtained from criminal activity.
- iii. Property equivalent in value held in India or outside, where property obtained or derived from criminal activity is taken or held outside the country.

The courts have noted in several cases that "in the case of an offence of corruption, the criminal activity and the generation of the proceeds of crime are like Siamese twins." Therefore, if an intangible property iscriminal activity relating to a scheduled offence, it becomes proceeds of crime under section 2(1)(u).

Further even though the CMD Rashid Nasseem managed his escape to UAE in 2019 his syndicate and terror fund nexus is continuing in India through his close aides, partners, and acquaintances. That it is pertinent to mention that the proceeds of the crime of the 60 thousand Crores scam are still flourishing & are being circulated in the Indian market through the various axillary companies and close aides of the CMD Rashid Naseem. The proceeds of the crime are being circulated in the Indian economy and market through old aides and acquaintances in real estate businesses mostly in Delhi NCR & Uttar Pradesh, film industries. mining businesses, Forex trading, commodities trading etc. by providing soft loans, interest free loans etc. Several forex trading deals, several illegal businesses are still being run under his supervision in India from UAE which are being managed and run by his confidants.

32. That the present matter of Shine City group is being investigated by the elite agencies of the centre and state government namely Central Bureau Investigation (CBI) with Interpol; Enforcement Directorate (ED); Serious Fraud Investigation Office (SFIO) and Economic Offence

Wing Uttar Pradesh (EOW UP) despite that there has being a mockery of the investigation done by the agencies which is also pointed out in the speaking orders by the Hon'ble Chief Justice of Allahabad High Court during hearing of the case shine city multibillion scam.

33. That it is pertinent to mention that all four agencies involved have different domains of working and different adjudication forums Central Bureau Investigation (CBI) cases are adjudicated before the CBI Special Court, Enforcement Directorate cases are adjudicated before PMLA Tribunals, Serious Fraud Investigation Office (SFIO) cases are adjudicated before there special courts or before National Company Law Tribunals and lastly Economic Offence Wing Uttar Pradesh (EOW UP) cases are adjudicated before regular civil courts. Now the question arises where the trail will go which was even addressed by this court on order dated 31.01.2023 in CrLP 1834 of 2021 namely Sriram Ram vs State of U.P. & others.

The copy of the order dated 31.01.2023 in Criminal Misc. Writ Petition No. 1834 of 2021 namely (Sriram Ram vs State of U.P. & others) has been filed herewith and marked as Annexure No. 12 to this Writ Petition.

34. That the miscoordination of investigation by the agencies because of their limited purview of jurisdiction in the investigation of the present scam is hampering the investigation at large. Thus, it is in the interest

of Justice to have a Central Bureau of Investigation (CBI) as a nodal agency to investigate this large scam.

35. That several hearings have been passed since the first hearing dated 12.03.2021 in Criminal Misc. Writ Petition 1834 of 2021 (Shriram Ram vs State of UP and others) to date the agencies involved in the investigation of the matter have not complied with orders of this Hon'ble. Court a detailed tabular representation of the order sheet and compliance table have been filed herewith and marked as Annexure No. 13 to this Writ Petition.
36. That level the agencies have failed to recover the Customer Relationship Management (CRM) data which contains all the records and data of the company was an essential tool in crafting and hatching this huge multibillion scam
37. That even it is pertinent to mention here that enforcement directorate has failed to collect the detail information regarding Customer Management (CRM) data. CRM Relationship managing all the company's relationships and interactions with customers and potential customers. Directorate has also failed to crack the server detail on which the such domain is operated by company employees including annual Rashid another's, CRM data is most important part of Investigation and enforcement directorate is fail to treat the detailed information regarding CRM till date.
38. That in the case of Shine City Group, the CRM data was managed by the buck office in New Delhi and Lucknow. The signatory authority of the CRM was Anul Rashid and the HR of the group was Uttama Singh (+91 70811 04612) who was also arrested by the Bihar Police in Lucknow and later released on bail. The Delhi head office located at the

Shalimar Building in Janakpuri which belongs to the Awadh Group was the centre epitome of the CRM data which was managed by several key personals and a close aide of Rashid Naseem. The point to focus here is that still those key personnel and close aides of Rashid Naseem are roaming free and have custody of the CRM data which the agencies have failed to recover. If it had been recovered then this scam, would have been unveiled by the agencies far back. Detail of the CRM data mentioning the individuals who possessed, crafted, and currently have access to the CRM data.

39. That it is crucial bring before the kind notice of this Hon'ble Court that the Hon'ble Chief Justice in his order dated 31.01.2023, in Criminal Misc. Writ Petition No. 1834 of 2021 (Shriram Ram Vs. State of Uttar Pradesh and Others), categorically pointed out in para 5 that

"Learned counsel of the petitioners has pointed out that even though the respondents claim that the Red Notice has been issued for the arrest of Rashid Naseem, however, the same is still not reflected on the official website of C.B.I, E.D or Interpol. To this, learned counsel appearing for C.B.I did not have any answer."

Even till yet the website of the above mention agencies does not show the same on their website.

40. That the keys individuals involved in crafting this huge scam are still managing the proceeds of crime of this large multibillion scam and all the agencies have failed to recover nor been able to trace this so far.

41. That the menace & proceeds of the crime of this multi-billion scam is spread to across several states and even overseas. Thus, in the interest of justice a fair and thorough investigation is required by Central Bureau of Investigation. (CBI).

42. That in the light of the narration made by the petitioner in the preceding paragraphs it is humbly prayed before this Hon'ble Court that to get an investigation conducted, an investigation of all the cases related to Shine City Multibillion Scam should be transferred to Central Bureau of Investigation (C.B.I).
43. That the conditions have arisen due to which doubt is created in the mind of the petitioner and the general public that due to balkanization of investigation, the agencies are not able to investigate the multibillion scam fairly.
44. That the actions of respondents are further violative of Articles 14, 19, & 21 of the Constitution of India.
45. That the petitioner has no any efficacious or alternative remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India on the following amongst inter-alia other grounds:

GROUND

- A. BECAUSE**, the petitioner is also specific action against the absconding Chief..... namely Rashid Naseem and Managing Director Asif Naseem respondent no. 9 who have fled away from India to Dubai, United Arab Emirates and close acquaintances and aides have been operating the business from an unknown location within India and managing the proceeds of the crime respectively.
- B. BECAUSE**, the money so deposited as investment by the investors was utilized for purchasing, lands which were later offered in the market for sale and purchase. The company even published and distributed its site layout plans of various locations which were being circulated in the market these sites were located not only in the State of Uttar Pradesh but also in

various locations of Chhattisgarh, Madhya Pradesh, West Bengal, Haryana, Bihar etc.

- C. BECAUSE**, the Shine City's business was not limited to Real Estate but also involved in manufacturing R.O. Water Purifiers. Here again, the interested buyer were expected to deposit a booking amount for a particular water purifying machine and thereafter would have to wait for the delivery of the product. Here again, the Shine City attracted thousands of customers as they were promised premium quality R.O. Machines for a highly competitive price. Thousands of customers who had pre-booked the R.O. Machines despite the booking amount and several months of EMI never received the products. It was later discovered that Shine Kemflw Water Purifier was another fraudulent scheme of the Shine City.
- D. BECAUSE**, at the time of maturity when the petitioner contacted the company for payment on the previous investment/deposit, it was learnt from the aforesaid respondent no. 9 (a) and (b) Managing Director Asif Naseem and Chief Managing Director (CMD) Rashid Naseem and that the other upper management staff, Asif Naseem and Chief Managing Director (CMD) Rashid Naseem and that the other upper management staff have been arrested in Kathmandu, Nepal and are charged for cases which are against the economic & social tranquillity of the Federal Democratic Republic of Nepal and thereof, the company/respondent no. 9 needs some time for re-payment.
- E. BECAUSE**, the petitioner was shown false, forged, and fabricated documents of investment schemes by respondent no. 9 that the money of the existing customers of the company was being returned even before the

maturity period, thus the petitioner was further deceived and further lured into the pretext of false assurance.

- F. BECAUSE**, the Cyber Crime P.S. region Prayagraj froze the account no. 502000173111816 (IFSC: HDFC0000226) HDFC Bank, 18-A, S.P Marg, Civil Lines, after the application given to the I.G Region Prayagraj and in pursuance to the First Information Report dated 30.09.2020 in case crime no 0558 of 2020 under sections 419, 420, 467, 468, 406, 506 of IPC lodged in Police Station: Civil Lines, District: Prayagraj.
- G. BECAUSE**, it is pertinent to mention that after the fraud played by the company and the private respondents in the name of Shine City Infra Project Private Limited, the private respondents, in the same premises started another venture in the name of Locanto World Infraproject Private Limited, 'that it is pertinent to mention that the private respondents with the ulterior motives have started the said venture to fraudulently jeopardize the hard-earned money of the investors in the name of said fraud schemes.
- H. BECAUSE**, the Locanto World Infraproject Private Limited was managed by Mohd Javed, Mohri Saharzil Khan (nephew of Rashid Naseem), Sandeep Singh, Ankit Pandey etc. The Current Urban Site in Pratapgarh Uttar Pradesh was unanimously managed by them. Several revenue records have been manipulated with the hand in gloves by several revenue officers in Pratapgarh and various other cities.
- I. BECAUSE**, the innocent petitioner invested the hard-earned money, in the scheme for better future planning and invested around 28,00,000/- (INR Twenty-Four Lakhs rupees). That the money of the petitioner and his father was hard-earned money, which they had transferred from their savings accounts, to invest/deposit in respondent no. 9 fraudulently assured that

20% monthly return i.e., 1% per trading day would be given and this investment/deposit was made at respondent no. 9 office at Prayagraj.

- J. BECAUSE**, private respondents had cleverly designed the marketing plan in such a way that when anyone who invests/ deposits any money in the company, his/her login id is created and whenever anyone invests/deposits any money or buys any land from the company with the referral of the old investor/depositor then automatically the introducer/ old investor/depositor earns some referral income, smartly disguising his lucrative network marketing plan as business plan of private respondents. Thus, by this false lucrative mode, the private respondents deceived several innocent investors/depositors.
- K. BECAUSE**, Chief Managing Director namely Rashid Naseem respondent no. 9 (a) has fraudulently cheated more than Ten lakh investors of Uttar Pradesh and the invested amounts approximately exceeding INR 60 THOUSAND CRORE RUPEES (approx. 8 BILLION USD) and approximately more than 2500 FIKST INFORMATION REPORTS (FIRS) have been lodged against the respondents.
- L. BECAUSE**, the private respondents cheating domain even knocked on the technological doors of cryptocurrency, their iniquitous fraudulent mind led them to launch a fake cryptocurrency company namely Crypto Coin Sky Ocean token amount which was equivalent to INR 9 CRORE RUPEES and within six months the private respondents had made a fraud of INR 50 CRORE RUPEES. That it is relevant to mention that, the Hon'ble Chief Justice in his order dated 17.10.2022, in Criminal Mise. Writ Petition No. 2230 of 2022 (Shine City Infra Project Pvt. Ltd. Ve. State of Uttar Pradesh and Others), categorically stated in para 7.

"Even the State has not shown seriousness in investigation, as number of documents furnished by the counsel appearing for various parties or representing the investors, toho may not be a party to any litigation pending before this Court with regard to cryptocurrency, namely Shine V. Coin (SVC) and Get the Vectory Coin (GDVC) have not been examined. The information thereof was furnished to the officer's present in Court on the last date of the hearing."

M. BECAUSE, the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow in P.LL Civil No 22574 of 2020 Bhartiya Manav Utpeedan Unmolan Sanghatan thru President us State of U.P. Through Principal Secretary Home and others, which was filed against respondent no 9 and its director in the this PIL the Hon'ble Court has observed that the petitioner feels that the investigation conducted by the police is not proper and the matter requires investigation by another agency, the petitioner at that stage may approach the appropriate authority for the investigation by the SIT or CBI.....”

N. BECAUSE, it is pertinent to mention the funds had been utilized in various illegal activities to the benefit of the private respondents. That Under Section 3 of the Prevention of Money Laundry Act, 2002 identifies "proceeds of crime of the property representing the crime as the product of the process or activity. The three limbs of Section 2(1)(u) of the Prevention of Money Laundry Act, 2002, which defines "proceeds of crime."

- i. Property derived or obtained, directly or indirectly, result of criminal activity relating to the scheduled offence.
- ii. Value of property derived or obtained from criminal activity.

- iii. Property equivalent in value held in India or outside, where property obtained or derived from criminal activity outside the country taken or held

The courts have noted in several cases that "in the case of an offence of corruption, the criminal activity. and the generation of the proceeds of crime are like Siamese twins"....

derived because of criminal activity relating to a scheduled offence, it becomes proceeds of crime under section 2(1)(u).

Further even though the CMD Rashid Naseem managed his escape to UAE in 2019 his syndicate and terror fund nexus is continuing in India through his close aides, partners, and acquaintances. That it is pertinent to mention that the proceeds of the crime of the 60 thousand Crores scam are still flourishing & are being circulated in the Indian market through the various axillary companies and close aides of the CMD Rashid Naseem. The proceeds of the crime are being circulated in the Indian economy and market through old aides and acquaintances in real estate businesses mostly in Delhi NCR & Uttar Pradesh, film industries, mining businesses, Forex trading, commodities trading etc, by providing soft loans, interest-free loans etc.

Several forex trading deals, several illegal businesses are still being run under his supervision in India from UAE which are been managed and run by his confidants.

O. BECAUSE, the present matter of Shine City group is being investigated by the elite agencies of the centre and state government

Investigation (CBI) with Interpol; Enforcement Directorate (ED), Serious Fraud Investigation Office (SFIO) and Economic Offence Wing Uttar

Pradesh (EOW UP) despite that there has being a mockery of the investigation done by the agencies which is also pointed out in the speaking orders by the Hon'ble Chief Justice of Allahabad High Court during hearing of the case shine city multibillion scam.

P. BECAUSE, it is pertinent to mention that all four agencies involved have different domains of working and different adjudication forums Central Bureau. Investigation (CBI) casts are adjudicated before the CBI Special Court. Enforcement Directorate cases are adjudicated before PMLA Tribunals, Serious Fraud Investigation Office (SFO) quises are adjudicated before there special courts or before National Company Law Tribunals and lastly Economic Offence Wing Uttar Pradesh (EOW UP) cases are adjudicated before regular civil courts. Now the question arises where the trail will go which was even addressed by this court on order dated 31.01.2023 in CrLP 1834 of 2021 namely Sriram Ram vs State of U.P. & others.

Q. BECAUSE, the miscoordination of investigation by the agencies because of their limited purview of jurisdiction in the investigation of the present scam is hampering the investigation at large. Thus, it is in the interest of Justice to have a Central Bureau of Investigation (CBI) as a nodal agency to investigate this large scam, R. BECAUSE, even the agencies have failed to recover the Customer Relationship Management (CRM) data which contains all the records and data of the company was an essential tool in crafting and hatching this huge multibillion scam

S. BECAUSE, in the case of Shine City Group, the CRM data was managed by the back office in New Delhi and Lucknow. The signatory authority of the CRM was Anul Rashid and the HR of the group was Uttama Singh (+91 70811 04612) who was also arrested by the Bihar Police in Lucknow

and later released on bail. The Delhi head office located at the Shalimar Building in Janakpuri which belongs to the Awadh Group was the centre epitome of the CRM data which was managed by several key personals and a close aide of Rashid Naseem. The point to focus hears is that still those key personnel and close sides of Rashid Naseem are roaming free and have custody of the CRM data which the agencies have failed to recover. If it had been recovered then this scam would have been unveiled by the agencies far back Detail of the CRM data mentioning the individuals who possessed, crafted and currently have access to the CRM data.

T. BECAUSE, it is crucial bring before the kind notice of this Hon'ble Court that the Hon'ble Chief Justice in his order dated 31.01.2023, in Criminal Misc Writ Petition No. 1834 of 2021 (Shriram Ram. Vs. State of Uttar Pradesh and Others), categorically pointed out in para 5 that

"Learned counsel of the petitioners has pointed out that even though the respondents claim that the Red Notice has been issued for the arrest of Rashid Naseem, however, the same is still not reflected on the official website of C.B.I, E.D or Interpol. To this, learned counsel appearing for C.B.I did not have any answer."

Even till yet the website of the above mention agencies does not show the same op their website.

U. BECAUSE, keys individuals involved in crafting this huge scam are still managing the proceeds of crime of this large multibillion scam and all the agencies have failed to recover nor been able to trace this so far.

V. BECAUSE, the menace & proceeds of the crime of this multi-billion scam are spread to across several states and even overseas. Thus, in the interest

of justice a fair and though investigation is required by Central Bureau of Investigation (CBI).

W. BECAUSE, the conditions have arisen due to which doubt is created in the mind of the petitioner and the general public that due to balkanization of investigation, the agencies are not able to investigate the multibillion scam fairly.

X. BECAUSE, if thoroughly investigated then this siphoning of multi crore fund case could emerge as LARGEST SCAM that India could have witnessed in the past decade..

Y. BECAUSE, the conditions have arisen due to which a bona fide doubt is created in the mind of the petitioner and the general public that the current agencies are not investigating the case fairly.

Z. BECAUSE, it is apparent from the peculiar facts of the present case that the present conditions are such in which it has become difficult for the current agencies to investigate the case fairly.

AA. BECAUSE, the actions of respondents are further violative of Articles 14, 19, & 21 of the Constitution of India.

BB. BECAUSE, the petitioner has no other alternative and' equally efficacious remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.

PRAYER

It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to:

1. Issue a writ, order, or direction in the nature of Mandamus thereby directing the respondents nos 1 & 6 to consolidate the balkanization of the

ongoing investigation in the state and transfer a full-fledge investigation and inquire under the supervision of the Central Bureau of Investigation (CBI) extradite and arrest those persons to India involved in the offence, in the public interest of justice.

2. Issue a writ, order, or direction in the nature of Mandamus thereby directing the respondents' nos I & 6 to recover the Customer Relationship Management (CRM) data and to trace, recover and arrest those individuals possessing & managing the proceeds of the crime respectively to unveil this huge multi-billion scam in its true sense.
3. Issue a writ, order, or direction in the nature of Prohibition thereby directing the respondents state to submit a consolidated chargesheet of the scam and designate court for the conduct of trail of the scam.
4. Issue a writ, order, or direction in the nature of Mandamus directing the respondents state to return back the money deposited by the petitioner and other investor with 18% per annum interest to them.
5. Issue any other suitable writ, order, or direction and/or further order which this Hon'ble Court may deems fit and proper under the circumstances of the case.
6. Award the cost of this writ petition to the petitioners. against the respondents.

Dated: 18.12.2023

RISHABH RAJ

Advocate, Allahabad High Court

Enrolment No. UP/10000/2022

(Old D/931/2016)

GAURAV GULATI

Advocate, Allahabad High Court

Enrolment No. M 00119/2020

Advocate Roll No. A/ G0'279/2022

Advocate Roll No. A/ R1252/20'22

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Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 17232 of 2024

Petitioner :- Amit Kumar Gautam And 201 Others

Respondent :- Union Of India And 7 Others

Counsel for Petitioner :- Rizvi Rai

Counsel for Respondent :- A.S.G.I.,G.A.,Manoj Kumar Singh, Sanjay Kumar Yadav

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard Shri Satendra Nath Srivastava, Manoj Kumar Srivastava and Ms. Rizvi Rai, learned counsels for the petitioners and Shri Manoj Kumar Singh and Shri Sanjay Kumar Yadav, learned counsel for the respondents.

2. There are 202 writ petitioners in this petition filed under Section 226 of the Constitution of India, wherein following main reliefs are sought:-

(i) Issue a writ, order or direction in the nature of mandamus commanding to the Opposite Parties No-2 for execution and implement the Recovery of amount deposited by petitioner with interest of 18% in various projects of O.P No 8, within certain time, to secure the right & interest of petitioners.

(ii) Issue a writ/ direction in the nature of mandamus commanding the Opposite Parties No-2 to execute the process of IMMIGRATION, PASSPORT IMPOUNDING, LOOK OUT NOTICE against the O.P.No.- 8 and thereby direct Opposite Party No.-3 to insure refund of the petitioner/ investors amounts with 18% interest there on.

3. Assertions in the writ petition are that there is a company known as Shine City Infra Project Pvt. Ltd. (respondent no. 8), which has committed offence under the provisions of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as, 'Act, 2002') and more than 454 first information reports are lodged against the Company in various Districts of the State of Uttar Pradesh including Varanasi and Allahabad. The eighth

respondent is a company incorporated under the Indian Companies Act, 1956 and the allegation in the writ petition is that its Directors, after having launched various real state projects have diverted huge sums in other projects, as a result of which the investors in the Company like the present petitioners are suffering. The petitioners also assert that various properties of the Directors of the Company have been seized by the second respondent, i.e., Enforcement Directorate, New Delhi. The allegations further are to the effect that the Directors of the Company have diverted the funds of the Company into various dubious schemes including investment in crypto currencies, etc. The funds of the company are allegedly being diverted to different companies beyond the Indian shores including Dubai, etc., by way of Hawala trade. It is alleged that the Enforcement Directorate has seized certain properties of the Company and, therefore, a direction be issued to the Enforcement Directorate to recover the amount invested by the petitioners in the Company along with 18% interest.

4. We have perused the pleadings in the writ petition, wherein we find absolutely no details of the amount invested by the petitioners in the Company-respondent No. 8, nor is clear as to what was the nature of investment as well as the project in which the amount was invested by these 202 writ petitioners.

5. Learned counsel for the petitioners places reliance upon an order dated 01.07.2024 passed by a coordinate Bench of this Court in Writ Petition No. 20172 of 2023, which is reproduced herein under:

Heard Sri Rishabh Raj, learned counsel for the petitioner, Sri Shashi Prakash Singh, learned Additional Solicitor General assisted by Sri Manoj Kumar Singh, Central Government Counsel for respondent no.1 and 4, Sri Sanjay Kumar Yadav

for respondent no.2, Sri Rohit Tripathi for respondent no.3, Sri A.K. Sand, learned Government Advocate assisted by Sri Roopak Chaubey for respondent no.5 to 8, Sri Ashish Deep Verma, learned counsel for respondent no.9.

Learned counsel for the petitioner submits that as an interim measure respondents be directed to return back the money deposited by the petitioner and other investors with 18 per cent interest per annum to them from the date of deposit before the respondent no.9, the defaulter company.

Sri Rohit Tripathi, learned counsel appearing for respondent no.3, Enforcement Directorate, has submitted that the petitioners have statutory remedy under Section 8 of the Prevention of Money Laundering Act, 2002, the last proviso whereof provides that the special court may, if it thinks fit, consider the claim of the claimants for the purpose of restoration of the property in dispute during the pendency of trial. He has further submitted that the money being sought to be refunded to the petitioners is defined under the definition of "property" in Section 2(1) (v) of the Act aforesaid.

After hearing the rival contentions, this Court deems it appropriate to refer to Section 2(1) (v) and Section 8 of the Prevention of Money Laundering Act, 2002 quoted hereinbelow :

Section 2. Definition.

(1) (v) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located;

Explanation.-For the removal of doubts, it is hereby clarified that the term "property" includes property of any kind used in the commission of an offence under this Act or any of the scheduled offences;

Section 8. Adjudication.

(1)On receipt of a complaint under sub-section (5) of section 5, or applications made under sub-section (4) of section 17 or under sub-section (10) of section 18, if the Adjudicating Authority has reason to believe that any person has committed an [offence under section 3 or is in possession of proceeds of crime] [Substituted by Act 21 of 2009, Section 5, for "offence under section 3".], it may serve a notice of not less than thirty days on such person calling upon him to indicate the sources of his income, earning or assets, out of which or by means of which he has acquired the property attached under sub-section (1) of section 5, or, seized [or frozen] [Inserted by Act No. 2 OF 2013] under section 17 or section 18, the evidence on

which he relies and other relevant information and particulars, and to show cause why all or any of such properties should not be declared to be the properties involved in money-laundering and confiscated by the Central Government:

Provided that where a notice under this sub-section specifies any property as being held by a person on behalf of any other person, a copy of such notice shall also be served upon such other person:

Provided further that where such property is held jointly by more than one person, such notice shall be served to all persons holding such property.

(2)The Adjudicating Authority shall, after

(a)considering the reply, if any, to the notice issued under sub-section (1);

(b)hearing the aggrieved person and the Director or any other officer authorised by him in this behalf; and

(c)taking into account all relevant materials placed on record before him,

by an order, record a finding whether all or any of the properties referred to in the notice issued under sub-section (1) are involved in money-laundering:

Provided that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering.

(3)Where the Adjudicating Authority decides under sub-section (2) that any property is involved in money-laundering, he shall, by an order in writing, confirm the attachment of the property made under sub-section (1) of section 5 or retention of property or [record seized or frozen under section 17 or section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property] [Substituted for the words "record seized under section 17 or section 18 and record a finding to that effect, such attachment or retention of the seized property" by Act No. 2 OF 2013] or record shall

(a)continue during [investigation for a period not exceeding [three hundred and sixty-five days] [Inserted by Finance Act, 2018 (Act No. 13 of 2018) dated 29.3.2018.] or] the pendency of the proceedings relating to any [offence under this Act before a court or under the corresponding law of any other country, before the competent court of criminal jurisdiction outside India, as the case may be; and]

(b)[become final after an order of confiscation is passed under sub-section (5) or sub-section (7) of section 8 or section 58 B or sub-section (2A) of section 60 by the Adjudicating Authority]

[Explanation. - For the purposes of computing the period of three hundred and sixty-five days under clause (a), the period during which the investigation is stayed by any court under any law for the time being in force shall be excluded.]

(4)Where the provisional order of attachment made under sub-section (1) of section 5 has been confirmed under sub-section (3), the Director or any other officer authorised by him in this behalf shall forthwith take the [possession of the property attached under section 5 or frozen under sub-section (1A) of section 17, in such manner as may be prescribed:

Provided that if it is not practicable to take possession of a property frozen under sub-section (1A) of section 17, the order of confiscation shall have the same effect as if the property had been taken possession of.]

(5)[Where on conclusion of a trial of an offence under this Act, the Special Court finds that the offence of money-laundering has been committed, it shall order that such property involved in the money-laundering or which has been used for commission of the offence of money-laundering shall stand confiscated to the Central Government.

(6)Where on conclusion of a trial under this Act, the Special Court finds that the offence of money-laundering has not taken place or the property is not involved in money-laundering, it shall order release of such property to the person entitled to receive it.

(7)Where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub-section (3) of section 8, pass appropriate orders regarding confiscation or release of the property, as the case may be, involved in the offence of money-laundering after having regard to the material before it.]

[(8) Where a property stands confiscated to the Central Government under sub-section (5), the Special Court, in such manner as may be prescribed, may also direct the Central Government to restore such confiscated property or part thereof of a claimant with a legitimate interest in the property,

who may have suffered a quantifiable loss as a result of the offence of money laundering:

Provided that the Special Court shall not consider such claim unless it is satisfied that the claimant has acted in good faith and has suffered the loss despite having taken all reasonable precautions and is not involved in the offence of money laundering]:

[Provided further that the Special Court may, if it thinks fit, consider the claim of the claimant for the purposes of restoration of such properties during the trial of the case in such manner as may be prescribed.]

This Court after considering the entire facts and circumstances of this case finds that the petitioner, who claims himself to be investor in the Company of respondent no.9, invested certain amount, details whereof have been given in the petition. This Court is of the view that during the pendency of the writ petition the special court be directed to consider the claim of the petitioner as per Section 8 of the Act aforesaid within a period of five months from the date of production of the certified copy of this order along with the claim. Certified copy of this order along with claims shall be filed before Special Court within 10 days. The decision shall be taken by the special court on the claim in accordance with law and on the basis of material brought before the Court by the petitioner in support of his claim.

List this petition again after five months i.e., on 16.12.2024.

On the next date the court below will send the copy of the order passed by it to this Court.

The District Judge concerned will see that the matters are assigned in such a manner so that the special court is able to decide the claims within the time frame provided by this court and all assistance to the special court for deciding these cases on priority basis shall be provided.

Learned Additional Solicitor General appearing for Union of India informs that prayer for extradition of main accused, Rashid Naseem, who is hiding in Dubai has been forwarded to the Government of United Arab of Emirates but as yet it has not responded.

The Ministry of External Affairs is expected to send reminder to the Government of United Arab of Emirates for expediting the process of extradition of aforesaid accused and the progress of efforts made by the Ministry of External Affairs shall be brought before this Court on the next date fixed by filing an affidavit of a responsible official of the Ministry of External Affairs.

Progress report in sealed cover presented by counsel for Enforcement Directorate, Sri Rohit Tripathi, is taken on record. Affidavit of compliance filed on behalf of State of UP is also taken on record. Status report submitted by learned Additional Solicitor General of India on behalf of SFIO is also taken on record.

Sri Ravi Gautam, Investigating Officer of this case is present, Dr. Pemmaiah, Deputy Director and Supervising Officer of this case for Enforcement Directorate is also present. Umesh Chandra Gupta, Senior Assistant Director for SFIO is also present. Their personal appearances are exempted until further orders.

6. Petitioners claim parity with the aforesaid direction and submit that an appropriate order in terms of the above order be passed in their favour so that the money recoverable from the eighth respondent be made available to the writ petitioners.

7. We have perused the pleadings in the writ petition and have also examined the provisions of the Act, 2002. There are some aspects, on which we find that there is a lack of clarity in respect of the claim put forth by the petitioners. The provisions of the Act, 2002 have been introduced by the Parliament to prevent the money laundering and to provide for confiscation of property derived from, or involved in, money laundering and for matters connected therewith or incidental thereto. The manner in which allegation of money laundering is to be probed or the consequences of such confiscation of property derived from, or involved in, money laundering, are extensively dealt with by the Act, 2002. The offence of money laundering has been defined under Section 3 of the Act, 2002, whereas the punishment for money laundering is provided for in Section 4 of the Act, 2002. Chapter-III of the Act, 2002 provides for attachment, adjudication and confiscation. Section 5 provides for the attachment of property involved in money laundering. Section 6 contemplates adjudicating authorities, its composition, powers,

etc. The staff of adjudicating authorities is provided for in Section 7. Section 8 provides for adjudication. Sub section 1 of Section 8 contemplates that on receipt of a complaint under sub-section 5 of Section 5, or applications made under sub-section 4 of section 17 or under sub-section 10 of Section 18, if the Adjudicating Authority has reason to believe that any person has committed an offence under section 3 or is in possession of proceeds of crime, it may serve a notice of not less than thirty days on such person calling upon him to indicate the sources of his income, earning of assets, out of which or by means of which he has acquired the property attached under sub-section 1 of Section 5, or, seized or frozen under Section 17 or Section 18, the evidence on which such person relies and other relevant information and particulars, will have to be disclosed in the form of a show cause. On service of such notice the adjudicating authority shall consider the reply to the notice issued under sub-section 1 of Section 8 and by an order record a finding whether all or any of the properties referred to in the notice issued under sub-section (1) are involved in money laundering. The adjudicating authority, if in case decides that property is involved in money laundering, shall pass an order in writing confirming attachment of the property under sub section 1 of Section 5 and permit the retention of property or record seized or frozen under Section 17 or Section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property shall continue for the period subscribed in sub section 3 of Section 18, where the provisional order of attachment has been confirmed under sub section 3. The Director or any other officer authorised by him in this behalf shall forthwith take the possession of the property attached under Section 5 or frozen under sub section (1A) of

Section 17, in such manner. Sub section 5, thus provides that on conclusion of a trial of an offence under the Act, 2002, the Special Court finds that the offence of money laundering has been committed, it shall order that such property involved in the money laundering or which has been used for commission of the offence of money laundering shall stand confiscated to the Central Government. Sub section 6 provides that on conclusion of trial under Act, 2002, the Special Court finds that the offence of money laundering has not taken place or the property is not involved in money laundering, it shall order release of such property to the person entitled to receive it. Sub section 7 of Section 8 provides where the trial under this Act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall, on an application moved by the Director or a person claiming to be entitled to possession of a property in respect of which an order has been passed under sub section 3 of Section 8, pass appropriate orders regarding confiscation or release of the property, as the case may be, involved in the offence of money laundering after having regard to the material before it. It is at this stage that sub section 8 of Section 8 steps in.

8. Sub section 8 of Section 8 of the Act, 2002 provides that under sub section 5, the Special Court, in such manner as may be prescribed, may also direct the Central Government to restore such confiscated property or part thereof of a claimant with a legitimate interest in the property, who may have suffered a quantifiable loss as a result of the offence of money laundering. The first proviso contemplates that the Special Court shall not consider such claim unless it is satisfied that the claimant has

acted in good faith and has suffered the loss despite having taken all reasonable precautions and is not involved in the offence of money laundering. The second proviso was inserted in sub section 8 of Section 8 of the Act, 2002 in the year 2018, which provides that the Special Court may, if it thinks fit, consider the claim of the claimant for the purposes of restoration of such properties during the trial of the case in such manner as may be prescribed.

9. The above scheme is self explanatory. It provides a process of adjudication which commences with issuance of notice to the person alleged to have committed the offence under Section 3 followed with adjudication by the adjudicating authority. Where the adjudicating authority decides that the property is involved in the offence of money laundering, the attachment of the property made previously can be confirmed. Sub section 4 of Section 8 then provides a provisional order of attachment to be confirmed, whereafter, the possession of property attached can be taken by the officer authorized. It is, thereafter, on conclusion of trial of the offence under the Act, where the Court finds that the offence of money laundering has been committed it shall order that such property involved in the money laundering or which has been used for commission of the offence of money laundering be confiscated in favour of the Central Government. In the event if the Court finds that the property alleged to have been acquired on account of offence of money laundering is not as such, the Special Court shall order release of such property to the person entitled to receive it. It is only where the property stands confiscated in favour of the Central Government that the Court under sub section 8 of Section 8 may direct the Central Government to restore such

confiscated property or part thereof to a claimant with a legitimate interest in the property. The second proviso to sub section 8 of Section 8 of the Act, 2002 has to be read in conjunction with sub section 8 and it only qualifies the main provision which regulates the property confiscated in favour of the Central Government.

10. Shri Manoj Kumar Singh, who is appearing for respondents No. 1, 2 & 4 contends that the rules have been framed in 2016, known as Prevention of Money Laundering (Restoration of Property) Rules, 2016, in which the claims, as are raised by the petitioners, can be dealt with.

11. Prima facie, we are not impressed with the understanding of the counsel, in as much as the Rules of 2016 have been framed in exercise of powers under Section 8 sub section 8 and, therefore, the provisions for restoration of confiscated property cannot be read dis-conjunctively or out of context so as to enable the Special Court to deal with claim which are not legally admissible before it. Prima facie, we find that the Act, 2002 deals with a different exigency altogether which is with regard to the commissioning of offence of money laundering. There is nothing on record to show that any adjudication by a competent court has yet been made holding that any property has been declared as a property acquired from the proceeds of offence defined under Section 3 of the Act, 2002. There is also nothing on record to show that such property has been confiscated in favour of the Central Government. Unless the confiscation as per law comes into existence the question of release of the confiscated property by having resort to sub section 8 of Section 8 or the Rules of 2016 would not arise. The

petitioners have otherwise not specified any property which allegedly is confiscated in favour of the Central Government.

12. We, therefore, find ourselves unable to subscribe to the view taken by the coordinate Bench on the basis of material placed before, as as of now in this petition. No omnibus direction can be issued to consider the claim of petitioners for release of property in the manner as it has been sought for in this writ petition.

13. Adjudication of claim against the company at the instance of depositors is an entirely separate and distinct cause from the offence committed by the company in respect of which proceedings are undertaken pursuant to the provisions of Prevention of Money Laundering Act. Both cannot be clubbed together, nor the exigency of one can be read in another. We also fail to understand as to how Section 8 sub Section 8, which provides for the property to be dealt with once confiscated, can be extended under the Rules to regulate an exigency prior to confiscation.

14. We are also doubtful of the maintainability of the present writ petition for the nature of relief which is sought. Prima facie it appears to be a case where the petitioners are investors of the company who want return of their money. Their claim at best is against the eighth respondent-Company, which can be enforced in appropriate proceedings before the competent forum.

15. Before proceeding to pass a final order in the matter, we, therefore, call upon the respondents to examine the above aspect and specify the stage of proceedings which are stated to be pending before the Special Court. This is particularly so as there are no details with regard to any pending proceedings before the

Special Court. We are even doubtful whether at all any such proceedings are pending. In such circumstances, we would not be inclined to issue any direction in this petition unless we are convinced that necessary ingredients exists for such a direction to be issued to the concerned court.

16. In such circumstances, we direct the Director, Enforcement Directorate, New Delhi, to examine the issue in light of observations made above and authorize a senior officer to file his personal affidavit in response to it by the next date fixed.

17. List as fresh before the appropriate Court on 21.10.2024.

(Dr. Gautam Chowdhary, J.)

(Ashwani Kumar Mishra, J.)

Order Date :- 24.9.2024

Mustaqeem.

Criminal Misc. Cases No 1131 / 2024 - NEETA VERMA Vs.
DIRECTORATE OF ENFORCEMENT

UPLKO1012199-2024

BEFORE THE COURT OF SPECIAL JUDGE, PREVENTION
OF CORRUPTION, CBI WEST / ED LUCKNOW

I.D. No. UP 06429

Neeta Verma, wife of Ashok Kumar Verma, Resident - Flat
No.-201/2, Siddhi Apartment, Doctors Colony, Gopiganj,
Pin-221303 ...Applicant/Investor

Versus

Directorate of Enforcement Ministry of Finance, Department
of Revenue Zonal Office, Lucknow U.P. through Assistant
Director ...Opposite Party

Date- 11.12.2024

ORDER

The application under Section 8(7) of PMLA, 2002 has
been filed by the applicant Neeta Verma.

In brief, the applicant has stated that she had invested
Rs. 5,65,000/- in Shine City Group of Companies. It has
been stated by the applicant that she had paid the amount
in three installments, first installment of Rs. 2,00,000/-,
second installment of Rs. 2,00,000/- and third installment
of Rs. 1,65,000/- to Shine City Group of Companies. The
applicant filed a writ petition before the Hon'ble High Court

in Criminal Misc. Writ Petition No. 5536/22 Shailendra Kumar Pandey vs. State of U.P. and others, which was connected with Criminal Misc. Writ Petition No. 1834/21 Shri Ram Ram vs. State of U.P. and others and the applicant is petition no. 25 therein. After hearing the applicant, the Hon'ble High Court passed order dated 01.07.2024 in Criminal Misc. Writ Petition No. 20172/23 Prakash Chandra Tiwari vs. Union of India and others, entire Criminal Misc. Cases No. 1131/2024 - NEETA VERMA Vs. Considering the circumstances of the case, the DIRECTORATE OF ENFORCEMENT has ordered that the application along with the certified copy be presented in the Special Court under Section 8 of the said Act and has directed the Special Court to pass appropriate order on the application of the applicant. The applicant invested the right amount of money in Shine City but Shine City did not return the money. With the above statement, she has requested for the return of the invested money along with 18% interest.

In support of her statement, the applicant has submitted copy of Aadhar card and PAN card and copy of receipt and copy of statement of account and true copy of order of Hon'ble High Court dated 01.07.2024.

He has also filed an affidavit in support of his statement.

ED has stated in its verification report that the claimant can get his due money under section 8(8) PMLA 2002. The Hon'ble High Court has mentioned in Ms. Writ Petition No. 20172/23 Prakash Chandra Tiwari vs Union of India and others that "the petitioners have statutory remedy under section 8 of the Prevention of Money Laundering Act, 2002, the last proviso where of provides that the special court may if it thinks fit, consider the claim of the claimants for the restoration of the property during dispute the pendency of trial". Rule 3A of the prevention of Money Laundering (Restoration of Property) Rules 2016".

In compliance with the above order, Special Court PMLA Lucknow, vide its order dated 12.11.2024 passed on

the application of ED, passed an order on 15.11.24 under Section 8 (8) PMLA 2002 read with Section 3A of the Prevention of Money Laundering (Restoration of Property) Rules 2013 and ordered publication in various national newspapers. During the investigation by ED, several properties of Shine City Group of Companies have been attached under Proceeding of Crime. ED further stated that applicant Neeta Verma had invested money in the scheme PIP of Shine City. During verification of the application it was found that Neeta Verma paid Rs 4,00,000/- to Shine City Infra Project from her account no. 126005500131, ICICI Bank, Ashiana. Neeta Verma transferred two amounts of Rs 2 lakh each on two dates on 29.11.2017 to the account of Shine City. After examining the application and documents of Neeta Verma, ED has confirmed that Rs 4,00,000/- was transferred by her in favour of Shine City.

It is clear from the examination of the file that Mrs. Neeta Verma has stated in her application that she was given Rs. 5.65,000/-. It is stated that Rs. 4,00,000/- was

given by Neeta Verma and Rs. 1,65,000/- by Nitish Verma in favour of Shine City.

It is clear from the examination of the file that Mrs. Neeta Verma has stated in her application that she was given Rs. 5.65,000/-. It is stated that Rs. 4,00,000/- was given by Neeta Verma and Rs. 1,65,000/- by Nitish Verma in favour of Shine City. ED has stated in its verification report that Rs 4,00,000/- was given by Neeta Verma. Thus, it is clear that Mrs. Neeta Verma invested a total of Rs. 4,00,000/- as claimant in Shine City's PIP. The above investment was made by Mrs. Neeta Verma in good faith and she did not receive any money or compensation for the amount invested by her. Thus Mrs Neeta Verma can be called a bona fide investor. ED has verified that Mrs Neeta Verma has invested Rs 4,00,000/-.

Therefore, in the above circumstances, it seems justified to refund Rs. 4,00,000/- to Mrs. Neeta Verma. Mrs. Neeta Verma has also demanded interest on the amount invested, which has been opposed by the ED.

It is worth mentioning here that under Rule 3A of PMLA Act Rules 2016, there is no provision for interest on the amount invested and the ED (department) to which the money is to be returned is also not a financial institution, due to which it is not possible to pay interest on the amount invested.

Therefore, after all the above analysis, it seems justified to return the amount of Rs 4,00,000/- invested to Mrs. Neeta Verma.

ORDER

The application of applicant Neeta Verma is accepted. ED is ordered to ensure that the amount of Rs. 4,00,000/- is given to them after taking necessary action in a rule-based manner. A copy of the order should be sent to ED for compliance. ED should take necessary action and ensure filing of compliance report. The file should be filed in the office as per rules.

Sd/-
(Rahul Prakash)
Special Judge,
Prevention of Corruption,
CBI West / ED Lucknow.

Criminal Misc. Cases No 953 / 2024 HUSNA BANO Vs.
DIRECTORATE OF ENFORCEMENT AND OTHER

UPLK01011248-2024

BEFORE THE COURT OF SPECIAL JUDGE, PREVENTION
OF CORRUPTION, CBI WEST / ED LUCKNOW.

PRESENT - RAHUL PRAKASH (HIGHER JUDICIAL
SERVICE) ID NO.- UP 06429

Husna Bano, wife of Mohammad Ajmal Ansari, Resident -
0551 Old Gorakhpur, Ward No.-65, Gorakhpur Uttar
Pradesh ...Applicant/Investor

Versus

Assistant Director by Directorate of Enforcement Ministry of
Finance Department of Revenue Zonal Office, Lucknow U.P.

...Opposite Party

Date-11.12.2024

ORDER

The application under Section 8(7) of PMLA, 2002 has
been filed by the applicant, Husna Bano.

In brief, the applicant has stated that the applicant had
invested Rs. 2,00,500.00 through cheque no. 422255 and
Rs. 80,150.00 through cheque no. 422260 for purchasing a
plot under the scheme of Shine City Infra Project Pvt. Ltd.
The applicant filed a writ petition before the Hon'ble High
Court in the form of Criminal Misc. Writ Petition No.

12733/22 Ramji Prasad and others vs State of U.P. and others which was connected with Criminal Misc. Writ Petition No. 1834/21 Shri Ram Ram vs State of U.P. and others and the applicant is petition number 24 therein. After hearing the applicant, the Hon'ble High Court in its order dated 01.07.2024 in Criminal Misc. Writ Petition No.- 20172/23 Prakash Chandra Tiwari vs Union of India and others, considering the circumstances of the entire case, ordered to present the application alongwith a certified copy in the Special Court under Section 8 and directed the Special Court to pass appropriate order on the application of the applicant. The applicant invested the right amount of money in Shine City but Shine City did not return the money. With the above statement, he has requested to return the invested money along with 18% interest. In support of her statement, the applicant has submitted copy of Aadhar card and PAN card and copy of receipt and copy of statement of account and true copy of order of Hon'ble High Court dated 01.07.2024.

He has also filed an affidavit in support of his statement.

The ED in its verification report has stated that the claimant can get his rightful money under Section 8(8) of PMLA 2002. The Hon'ble High Court has mentioned in Criminal Misc. Writ Petition No.20172/23 Prakash Chandra Tiwari Vs. Union of India & Ors that "the petitioners have statutory remedy under section 8 of the Prevention of Money Laundering Act. 2002, the last proviso where of provides that the special court may if it thinks fit, consider the claim of the claimants for the restoration of the property in dispute during the pendency of trial". Rule 3A of the prevention of Money Laundering (Restoration of Property) Rules 2016.

In compliance of the above order, Special Court PMLA, Lucknow vide its order dated 12.11.2024 passed on the application of ED, passed an order on 15.11.24 under Section 8(8) PMLA 2002 read with Section 3A of the Prevention of Money Laundering (Restoration of Property)

Rules 2013 and ordered publication in various national newspapers. During the investigation by ED, several properties of Shine City Group of Companies have been attached under Proceeding of Crime. ED further stated that the applicant Husna Bano had invested money in the plot scheme of Shine City. During verification of the application, it was found that Husna Bano invested Rs. 761520/- in Shine City Infra Project. The applicant has stated that she has invested Rs 10,02,000/-.

It is mentioned in the ED verification report that the applicant received Rs. 240480/- on 21.10.16 from M/s Shine City Infra Project.

Thus it is clear that the applicant has received Rs. 240480 out of Rs. 10,02,000 and the remaining amount of Rs. 761520 is insufficient. ED has also sent the verification report of the above amount of Rs. 761520.

It is clear from the examination of the file that Husna Bano has stated in her application that she has been given Rs. 10,02000/-. ED has stated in its verification report that

Rs. 761520/- has been given to her by Husna Bano. She has already received the amount of Rs. 240480/-.

Thus it is clear that Husna Bano invested a total of Rs. 10,02000/- as a claimant in Shine City. The above investment was made by Husna Bano in good faith and she has already received the amount of Rs. 240480/- out of the amount invested by her. Thus Husna Bano can be called a good faith investor. The remaining amount of Rs. 761520/- has been verified by the ED.

Therefore, in the above circumstances, it appears justified to refund Rs 761520/- to Husna Bano. Husna Bano has also demanded interest on the amount invested, which has been opposed by the ED. It is worth mentioning here that under the PMLA Act Rules 2016, there is no provision for interest on the amount invested and the ED (department) to which the money is to be returned is also not a financial institution, due to which it is not possible to pay interest on the amount invested.

Therefore, after all the above analysis, it seems justified to return the remaining amount invested of Rs. 761520/- to Husna Bano.

ORDER

The application of the applicant Husna Bano is accepted. ED is ordered to ensure that the remaining amount of Rs. 761520/- is given to her after taking necessary action in a rule-based manner. A copy of the order should be sent to ED for compliance. ED should take necessary action and ensure filing of compliance report. The file should be filed in the office as per rules.

Sd/-
(Rahul Prakash)
Special Judge, Prevention of Corruption,
CBI West / ED Lucknow.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL M.P. NO. _____ OF 2025

IN

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

(Special Leave Petition arising out of the Impugned Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Writ Petition No. 20172 of 2023, titled as Prakash Chandra Tiwari v. Union of India & Ors.)

IN THE MATTER OF:-

ASIF NASEEM

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AND IN THE MATTER OF:-

APPLICATION FOR PLACING ON RECORD ADDITIONAL DOCUMENTS.

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED:

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India praying for Special Leave to Appeal against the Impugned Interim Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Writ Petition No. 20172 of 2023, titled as Prakash Chandra Tiwari v. Union of India & Ors.
2. The contents of the accompanying Petition are not being repeated herein for the sake of brevity and the same be considered as a part and parcel of the present application.
3. It is humbly submitted that certain additional documents have come into the possession of the Petitioner herein, which were not placed on record at the time of the passing of the Impugned Interim Orders and are necessary for the just and proper adjudication of the present matter and is having direct bearing on the present */is*.
4. That on 10.01.2025, the Special Court at Lucknow passed an order in the Petitions bearing No. Criminal Misc. Cases No. 1014/2024 accepting the Petition of the claimant filed under Section 8(7) of the PML Act. A true typed copy of the order dated 10.01.2025 passed by the Special Court at Lucknow passed Criminal Misc. Cases No. 1014/2024 is annexed herewith and marked as **ANNEXURE P-7(Pages 139 to 144)**.
5. Subsequently on 24.01.2025, the Special Judge, Anti Corruption CBI West, Lukhnow, Special Court PMLA allowed the application filed by three claimants named Neeta Verma, Husna Bano and Subh Narayan Sharma to restore their claim amounting to Rs.

14,61,520/- (Rupees fourteen lakhs sixty one thousand and five hundred twenty only) by attaching four properties of the Petitioner herein and the company worth Rs. 3,82,10,000/- (Rupees three crores eighty two lakh ten thousand only) to be sold by auction, issuing a notice to the Petitioner herein to appear physically on 30.01.2025. A true typed copy of the notice dated 24.01.2024 sent by the Enforcement Directorate, Lucknow has been annexed herewith and marked as **ANNEXURE P-8 (Pages 145 to 153)**

6. The Special Court misinterpreted the Impugned Interim Orders passed by the Hon'ble High Court and attached four properties of the Petitioner herein and the company worth Rs. 3,82,10,000/- (Rupees three crores eighty two lakh ten thousand only) to be sold by auction at pre-trial stage.
7. For that reason, these documents are essential to establish that the Special Court acted illegally in violation of the principles of natural justice by passing orders for restoration of the property in three petitions wherein the claimants filed the claims under Section 8(7) of the Prevention of Money Laundering Act, 2002 which clearly states that,

".....where the trial under this act cannot be conducted by reason of the death of the accused or the accused being declared a proclaimed offender or for any other reason or having commenced but could not be concluded, the Special Court shall on an application moved by the Director or the Person claiming to be

entitled to the possession of the property in respect of which an order has been passed under Sub-section 3(8), pass appropriate orders regarding confiscation or release of the property....”

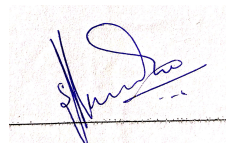
8. The filing of these additional documents will not cause any prejudice to the Respondent and is in the interest of justice.
9. Hence, in view of the above, it is just, proper, and necessary that this Hon'ble Court may be pleased to allow the Applicant to place on record the aforementioned additional documents. Hence the present application.

:PRAYER:

In the light of the foregoing facts, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Permit the Petitioner/ Applicant herein to file the additional documents as marked as **ANNEXURE P-7** & **ANNEXURE P-8** in the accompanying petition; and
- b. Pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND
SHALL EVER PRAY.



Filed By:

NEW DELHI

(SYED MEHDI IMAM)

Filed on: 30.01.2025

(Advocate for the Petitioner)

Criminal Misc. Cases No 1014/2024- SUBH NARAYAN SHARMA Vs. DIRECTORATE OF ENFORCEMENT AND OTHER

UPLIKO1011261-2024

BEFORE THE COURT OF SPECIAL JUDGE, PREVENTION OF CORRUPTION, CBI WEST / ED LUCKNOW.

Present - Rahul Prakash (Higher Judicial Service) ID No.- UP 08429

Shubh Narayan Sharma, son of Chhedi Sharma resident of 388N Rajiv Nagar, Basharatpur West Gorakhpur

... Applicant/Investor

Versus

Directorate of Enforcement Ministry of Finance Department of Revenue Zonal Office, Lucknow U.P. through Assistant Director ... Opposite Party

ORDER

The application under Section 8(7) of PMLA 2002 has been filed by the applicant Shubh Narayan Sharma.

In brief, the applicant has stated that the applicant had invested Rs. 100000.00/- through cheque no. 039305, Rs. 200000.00/- through cheque no. 053801 and Rs. 24,0800.00/- through cheque no. 472488 for purchasing a plot under the scheme of Shine City Infra Project Pvt. Ltd.

The applicant filed a writ petition before the Hon'ble High Court in the form of Criminal Misc. Writ Petition No. 2854/22 Uma Ojha and 28 others vs State of U.P. and others, which was connected with Criminal Misc. Writ Petition No. 1834/21 Shri Ram Ram vs State of U.P. and others and the applicant in it is petition number-16, after hearing the applicant, the Hon'ble High Court in its order dated 01.07.2024 in Criminal Misc. Writ Petition No.-20172 / 23 Prakash Chandra Tiwari vs Union of India and others, considering the entire circumstances of the case, ordered to present the application along with the certified copy in the Special Court under Section 8 and directed the Special Court to pass appropriate order on the application of the applicant, the right money was invested by the applicant in Shine City but Shine City did not return the money to him. With the above statement, a request has been made to return the invested money alongwith 18% interest.

In support of his statement, the applicant has submitted copy of Aadhar card and PAN card and copy of

receipt and copy of Statement of Account and copy of order of Hon'ble High Court dated 01.07.2024.

He has also filed an affidavit in support of his statement.

ED has stated in its verification report that the claimant can get his rightful money under section 8(8) of PMLA 2002. Hon'ble High Court has mentioned in Criminal Misc. Writ Petition No. 20172/23 Prakash Chandra Tiwari vs Union of India and others that "the petitioners have statutory remedy under section 8 of the Prevention of Money Laundering Act. 2002, the last proviso where of provides that the special court may if it thinks fit, consider the claim of the claimants for the restoration of the property in dispute during the pendency of trial". Rule 3A of the prevention of Money Laundering (Restoration of Property) Rules 2016.

In pursuance of the above order, the Special Court, PMLA, Lucknow, vide its order dated 12.11.2024 passed on the application of the ED, passed an order under Section

8(8) PMLA, 2002 read with Section 3A of the Prevention of Money Laundering (Restoration of Property) Rules, 2013 on 15.11.24, ordering its publication in various national newspapers. During the course of investigation by ED, several properties of Shine City Group of Companies have been attached under Proceeding of Crime. ED further stated that the applicant Shubh Narayan Sharma had invested money in the plot scheme of Shine City.

During verification of the application, it was found that Shubh Narayan Sharma invested Rs. 3,00,000/- in Shine City Infra Project whereas the applicant has stated that he has invested Rs. 540800/-. It is mentioned in the ED verification report that the applicant has transferred Rs. 3,00,000/- through cheque to the account of M/s Shine City Infra Project.

ED has also sent the verification report of the above mentioned amount of Rs 3,00,000/-.

It is clear from the scrutiny of the file that Shubh Narayan Sharma has stated in his application that he has been given Rs. 5,40,800/-.

ED has stated in its verification report that Rs. 3,00,000/- was given by Shubh Narayan Sharma. Thus, it is clear that Shubh Narayan Sharma invested a total of Rs. 3,00,000/- as claimant in Shine City. The above investment was made by Shubh Narayan Sharma in good faith. Thus, Shubh Narayan Sharma can be called a good faith investor. The remaining amount of Rs. 3,00,000/- has been verified by ED. Hence, in the above situation, it seems justified to refund Rs. 3,00,000/- to Shubh Narayan Sharma. Shubh Narayan Sharma has also demanded interest on the amount invested, which has been opposed by the ED. It is worth mentioning here that under Rule 3A PMLA Act Rules 2016, there is no provision for interest on the amount invested and the ED (department) to which the money is to be returned is also not a financial institution, due to which it is not possible to pay interest on the amount invested.

Therefore, after all the above analysis, it seems justified to return the remaining amount invested of Rs 3,00,000/- to Shubh Narayan Sharma.

ORDER

The application of the applicant Shubh Narayan Sharma for the amount of Rs. 3,00,000/- (three lakh rupees) is accepted. ED is ordered to provide an appropriate amount to the applicant as per the restoration process in proportion to the total actual amount of his claims and the actual amount received from the auction of the seized property. A copy of the order be sent to ED for compliance. ED should take necessary action and ensure filing of compliance report. The file should be filed in the office as per rules.

Date:- 10.01.2025

Sd/-
(Rahul Prakash)
Special Judge, Prevention of Corruption,
CBI West / ED Lucknow

Government of India
Directorate of Enforcement
Lucknow Zonal Office
Princeton Business Park, IInd Floor, 16-Ashok Marg,
(Near SIDBI), Lucknow-226001
Tel.: 0522-2288619, Fax: 0522-2288613
e-mail: adlkzo22-ed@gov.in

F. No. ECIR/05/LKZO/2021/Auction/4136

Date: 24.01.2025

Subject: Application filed u/s 8(8) of PMLA, 2002 r/w Rule 3A of PMLA Rules (Restoration of Property Rules, 2016) for auction of properties in the matter of Shine City and Others-reg.

Enclosed herewith is application filed by this office u/s 8(8) PMLA, 2002 r/w Rule 3A of The Prevention of Money Laundering (Restoration of Property) Rules, 2016 for auction of properties in the name of M/s Shinecity Group of Companies.

2. Since you, Shri Asif Naseem, are one of the Directors in M/s Shinecity Infra Project Private Limited, the Hon'ble Court has sought comments from your side on the next date of hearing, that is, 30.01.2025.

3. Hence, if you have any comments/submissions to make, the same may be made, either in person or through an

authorized representative, on scheduled date of hearing, that is, on 30.01.2025.

(Dr. Pemmaiah K.D.)

Deputy Director

Encl: Application dated 21.01.2025 filed u/s 8(8) of PMLA, 2002 (Dr. Pemmaiah K.D.) r/w Rule 3(A) of the PMLA (Restoration of Property Rules, 2016).

To

Shri Asif Naseem, S/o Shri Naseem Ahmed

Sd/-
Dr. Pemmaiah K.D.
Deputy Director
Directorate of Enforcement
Zonal Office-Lucknow
21/01/2025

IN THE HON'BLE COURT OF SPECIAL JUDGE, ANTI
CORRUPTION CBI WEST, LUCKNOW
SPECIAL COURT, PMLA

APPLICATION NO..... of 2024

U/S 8(8) PMLA, 2002 r/w Rule 3A The Prevention of Money-
Laundering (Restoration of Property) Rules, 2016 ("Rules")
PMLA, 2002

IN

ECIR NO: 05/LKZO/2021

APPLICATION U/S 8(8) PMLA, 2002 R/W RULE 3A AND 4 OF
THE PREVENTION OF MONEY-LAUNDERING
(RESTORATION OF PROPERTY) RULES, 2016 ("RULES")
PMLA, 2002

To

The Hon'ble District/ Session Judge/Special Court PMLA,
Anti-Corruption CBI West, Lucknow, Special Court, PMLA

MOST RESPECTFULLY SHOWETH:

1. That, in pursuance of orders dated 01.07.2024 & 16.12.2024 of Hon'ble High Court, Allahabad in Criminal Misc. Writ Petition No. 1834 of 2021 [Shriram Ram Vs State of U.P. & Others]; and Criminal Misc. Writ Petition No. 20172 of 2023 [Prakash Chandra Tiwari Vs Union of India & Others] proceedings were initiated

under Rule 3A of The Prevention of Money-Laundering (Restoration of Property) Rules, 2016 PMLA, 2002 ("herein after referred as "the said Rules") and as on date total 3370 applications for restoration of properties to the tune of Rs.252.03 crore has been received.

2. That, this Hon'ble Court in the matter of following cases passed the order for restoration of total Rs.14,61,520/- :

a. In Criminal Misc. Case No. 1131/2024, Neeta Verma Vs. Directorate of Enforcement passed the order for restoration of Rs.4,00,000/-;

b. In Criminal Misc. Case No. 953/2024, Husna Bano Vs. Directorate of Enforcement passed the order for restoration of Rs. 7,61,520/-;

c. In Criminal Misc. Case No. 1014/2024, Subh Narayan Sharma Vs. Directorate of Enforcement passed the order for restoration of Rs.3,00,000/-; passed the order

3. That, this office vide Provisional Attachment Order No. 06/2022 dated 03.11.2022 has attached various properties of Shinecity group of companies and other related persons. Vide Original Complaint No. 1846/2022 dated 02.12.2022 filed before the Adjudicating Authority, New Delhi confirmation of said provisional attachment was prayed. Vide order dtd 26.04.2023, the Adjudicating Authority, New Delhi confirmed the said provisional attachment order.
4. That, vide Supplementary Prosecution Compliant bearing No. Criminal Complaint No. 1321/2024 filed before this Hon'ble Court on 24.04.2024, various properties including properties covered under said provisional attachment order were prayed for confiscation. At present said properties are case properties.
5. That, this office has initially identified the following properties which has been attached vide said

provisional attachment order for sale by auction so as to disburse the restitution amount to the.....

| Sr. No. | Details of property | Owner details | Purchase consideration | SPC reference | RUD reference |
|---------|--|---|------------------------|--|----------------|
| 1. | House No. A 105, Sharda Nagar, Lucknow- Area 418.03 sq.m alongwith all the constructed area therein | Asif Naseem S/o Naseem Ahmed, Naseem Ahmed, Rasheeda Khatoon w/o Naseem Ahmed, Aqib Naseem S/o Naseem Ahmed | 1,36,00,000/- | Page No. 24 of Criminal Complaint No. 1321/2024 | RUD No. 548 |

| | | | | | |
|---|---|--------------------------------------|---------------|---|----------------|
| 2 | Flat No. B, 403, Fourth Floor, Jewel Apartment, Property No. 27/14B, 6- way Road, Jopling Road, Lucknow, 132.06 sq.m. | Shinecity Infra Project P Ltd. | 47,50,000/- | Page No. 24 & 25 of Criminal Complaint No. 1321/2024 | RUD No. 549 |
| 3 | Plot No. 3/133, E Vikalp Khand-3, Gomti Nagar, Lucknow alongwith all the | Rashid Naseem | 1,30,00,000/- | Page No. 26 of Criminal Complaint No. 1321/2024 | RUD No. 553 |

| | | | | | |
|----|---|--------------------------------------|-------------|--|----------------|
| | constructed area therein | | | | |
| 4. | Flat No. 209, Grandeur Apartment VI, Dalibagh Lucknow | Shinecity Infra Project P Ltd. | 68,60,000/- | Page No. 26 of Criminal Complaint No. 1321/2024 | RUD No. 554 |

6. That, as per para 4 of Rule 3A of the said Rules, 2016.

(4) No restoration order shall be passed by the Special Court under this rule, without giving an opportunity of being heard to the owner of the property referred to in sub-rule (1) or in the event of his death, the legal representatives of such person or official assignee or official receiver, as the case may be.]

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- a) Issue notice to the owner of the properties as mention in Para 5 above by exercising the power conferred under Rule 4 of the said Rules;
- b) Permit the Applicant Department to auction the above-said properties to facilitate the restoration of the ordered amount to the claimants;
- c) Pass such other appropriate order(s), as this Hon'ble Court may deem fit and proper in the interest of justice.

Date: 21.05.2025

Applicant

Lucknow.

THROUGH

(Kuldeep Srivastava)

Advocate

SPP, ED, Lucknow Zone

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRL. M.P. NO. _____ OF 2025

IN

SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2025

(Special Leave Petition arising out of the Impugned Orders Dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023)

IN THE MATTER OF:-

ASIF NASEEM

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AND IN THE MATTER OF:-

**APPLICATION FOR CONDONATION OF DELAY IN FILING
SPECIAL LEAVE PETITION**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH:

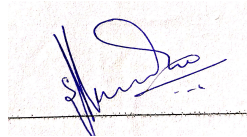
1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India praying for Special Leave to Appeal against the Impugned Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023.
2. The contents of the accompanying Petition are not being repeated herein for the sake of brevity and the same be considered as a part and parcel of the present application.
3. The Petitioner herein is in frustrating financial circumstances, after obtaining the Impugned Orders started mobilizing funds for filing of the Special Leave Petition causing delay. The Petitioner herein is put behind the bars for more than 3 years and is the sole bread earner in the family having the responsibility of the aged and ailing parents.
4. The delay is neither intentional nor wilful but for the reasons mentioned above. In the circumstances, it is in the interest of the justice that this Hon'ble Court may kindly condone the delay.
5. That no harm or loss shall be caused to any party of the present application is allowed.
6. The present application is being made in the interest of justice with bona fide intentions.

PRAYER

In the circumstances it is most respectfully prayed that this Hon'ble Court be pleased to:

1. Condone the delay of 128 days caused in filing the Special Leave Petition against the Impugned interim Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023, and;
2. Pass such other orders and further relief, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR WHICH ACT OF KINDNESS THE PETITIONER SHALL AS
IN DUTY BOUND EVERY PRAY.



Filed By:

(SYED MEHDI IMAM)

(Advocate for the Petitioner)

NEW DELHI

Drawn on: 25.01.2025

Filed on: 30.01.2025

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRL.M.P. NO OF 2025

IN

SPECIAL LEAVE PETITION (CRL) NO..... OF 2025

IN THE MATTER OF:

ASIF NASEEM

...PETITIONER

VERSUS

UNION OF INDIA& ORS.

...RESPONDENTS

AND IN THE MATTER OF:

**APPLICATION SEEKING EXEMPTION FROM FILING THE
CERTIFIED COPIES OF THE IMPUGNED ORDERS**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA.
THE HUMBLY PETITION OF THE PETITIONER HEREIN.

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India praying for Special Leave to Appeal against the Impugned Orders dated 01.07.2024 and 16.12.2024 passed by Hon'ble High Court at Allahabad in Criminal Misc. Writ Petition No. 20172 of 2023.

2. The entire facts have already been stated in the accompanying Special Leave Petition in detail and the same are not repeated herein for the sake of brevity. The Petitioner herein craves the leave and permission of this Hon'ble Court to refer and rely upon the same at the time of hearing of the present application as well.

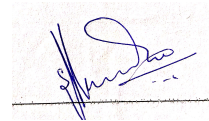
3. It is humbly submitted that as the matter involves urgency, obtaining certified copies of the Impugned Interim Orders may cause delay in the matter and for that the Petitioner is seeking exemption from filing certified copies of the Impugned Orders and true copies of the same may kindly be taken on record. This application is made bona fide and in the interest of justice.

PRAYER

It is, therefore, humbly prayed that your Lordships may graciously be pleased to:-

- (a) Exempt the Petitioner from filing Certified copies of the Impugned Interim Orders filed with the above Special Leave Petition and true English translation thereof may be taken on record;
- (b) And pass such other or further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

Drawn & Filed By:



(SYED MEHDI IMAM)

(Advocate for the Petitioner)

NEW DELHI

Drawn on: 25.01.2025

Filed on: 30.01.2025

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC WRIT PETITION NO. 20172 OF 2023**MEMO OF PARTIES****THE MATTER OF:-**

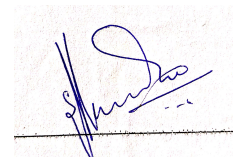
Prakash Chandra Tiwari
S/o., Shri Lalta Prasad Tiwari,
R/o., 313, Nai Basti, Sohabhatiya Bagh,
District Prayagraj

...PETITIONER**Versus**

1. UNION OF INDIA
Ministry of Home Affairs,
Through its Secretary,
North Block New Delhi,
Pin - 110001
2. Central Bureau of Investigation (CBI)
Through its Director,
1st Floor, CGO Complex, Block No. 3,
Lodhi Road, New Delhi - 110003, India
3. Enforcement Directorate through it's Director Pravartan Bhawan,
APJ Abdul Kalam, Road, New Delhi-110011, India
4. Serious Fraud Investigation Office (SFIO)
Through its Director, 2nd Floor,
Paryavaran Bhawan, Lodhi Road, CGO
Complex, New Delhi - 110001, India
5. Economic Offence Wing (EOW-UP)
Through its Director, Police Headquarters,

Signature Building EOW, 4th Floor,
Tower - 3, Lucknow,
Uttar Pradesh – 226002

6. State of Uttar Pradesh through Secretary (Home), Department of UP. at Lucknow.
7. Director General of Police,
Uttar Pradesh, Lucknow
8. Senior Superintendent of Police
of Prayagraj, Prayagraj
9. Asif Naseem
S/o., Naseem Ahmed,
R/o., 176/14, Keshri Colony,
GTV Nagar, Prayagraj, U.P. (Presently lodged in District Jail,
Varanasi)
- 10 Mohd Jasim Khan S/o. Mohd Naseem Khan Chak imamali Saha Ji
ka Pura, Nani, Allahabad Uttar Pradesh
- 11 Neeraj Srivastava Rio. 18 18A, 1 Floor, Mahatma Gandhi Marg:
Civil Lines Prayagraj, Uttar Pradesh-211001, India.
- 12 Mohd. Javed Ikbal S/o. Mohd. Umar Farooque, R/o. 141/120A,
Ganga Ganj Pura, Manobardas li Baghiya. Kareli, Prayagraj, Uttar
Pradesh 211016. ...Respondents



SYED MEHDI IMAM
ADVOCATE FOR PETITIONER

Section XIState O.P.High Court Allahabad**IN THE SUPREME COURT OF INDIA**

CIVIL/CRIMINAL/APPELLATE/ORIGINAL JURISDICTION

SPECIAL LEAVE/WRIT/PETITION CIVIL/CRIMINAL NO. OF 2025

T.P./REVIEW/CIVIL/CRIMINAL APPEAL NO. OF 20

INTER / LOCUTORY APPLICATION NO. OF 20

Asif Naseem

Petitioner(s)

Versus

Union of India & Ors

Respondent(s)

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Certified that the copies are correct

Total Rs. Filed on 30.01.2025**SYED MEHDI IMAM**

Advocate-on-Record

Advocate for the Petitioner (s)

Appellant(s)/Defendant(s)

Opposite Party/Respondent(s)

Chamber No. 203, M.C. Setalvad Block

Bhagwan Dass Road, Supreme Court

New Delhi-110001.

Phone : 23070006, Mob.: 9810300950

Code No. **1879**

IN THE SUPREME COURT OF INDIA

Criminal / Civil Appellate / Original Jurisdiction

Crl./Civil Special Leave Petition/Suit Reference/Appeal No.

Writ Petition/Habeas Corpus Petition/Transfer Petition No.

of 2025

ASIF NASEEM

Petitioner (s) / Appellant (s)

VERSUS

UNION OF INDIA & ORS

Defendant(s)/Respondent (s)

VAKALATNAMA

we Asif naseem

Petitioner (s) Plaintiff (s), Defendant (s) Opposite party - respondent (s) / Appellant (s) in the above petition Suit / Reference Appeal do hereby appoint and retain. Shri Syed Mehdi Imam, Advocate of the Supreme Court of India, to act and appear for me / us in the above Petition / Appeal and on my / our behalf to conduct and prosecute (or defend) the same to withdraw or to compromise the same and all proceeding that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding in taxation and applications for Review to file and obtain return of documents and to deposit and receive money on my / our behalf in the said Petition / Appeal and in application for Review, and to represent me / us and to take all necessary steps on my / our behalf in the above matter. I / We agree to ratify, all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the day of 20

Accepted, Identified & Certified

जिला कारागार, वाराणसी

Petitioner(s)/Appellant(s)/
Plaintiff(s) Defendant(s)/
Opposite Party/Respondent(s)

ASIF NASEEM

Syed Mehdi Imam

Advocate-on-Record

Chamber No. 203, M.C. Setalvad Block
Bhagwan Dass Road, Supreme Court
New Delhi-110001 Phone : 23070006
Mobile : 9810300950

Memo of Appearance

To

The Registrar
Supreme Court of India
New Delhi

Sir,

Please enter my appearance for the above named petitioner(s) Plaintiff(s) Defendant(s) Opposite Party-Respondent(s) Appellant(s) in the above mentioned Petition/case/appeal/matter.

Syed Mehdi Imam

Advocate-on-Record
Supreme Court of India

Chamber No. 203, M.C. Setalvad Block
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New Delhi-110001 Phone : 23070006
Mobile : 9810300950

Dated 30.01.2025

Code No. 1879