

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10398/2019

(Arising out of impugned judgment and order dated 20-09-2019 in CRR No. 1395/2019 passed by the High Court at Calcutta)

M/S FABWORTH PROMOTERS PVT. LTD. & ANR. Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ANR. Respondent(s)

WITH

SLP(Crl) No. 1031/2020 (II-B)  
(FOR ADMISSION and I.R. and IA No.12781/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.12782/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-01-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Parties

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Sarthak Karol, Adv.  
Mr. Dharav Shah, Adv.  
Mr. Suyash Goverdhan, Adv.  
Mr. Pranaya Goyal, AOR

Mr. Parthiv Goswami, Sr. Adv.  
Ms. Sonia Dube, Adv.  
Mr. Shatadru Chakraborty, Adv.  
Ms. Kanchan Yadav, Adv.  
Ms. Surbhi Anand, Adv.  
Mr. Tanishq Sharma, Adv.  
M/S. Legal Options, AOR

Mr. Srisatya Mohanty, Adv.  
Ms. Muskan Surana, Adv.  
Ms. Astha Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Sidharth Luthra, learned senior counsel appearing for the petitioners. The complainant side is represented by Mr. Parthiv Goswami, learned senior counsel.

2. When this case was last listed on 06.07.2023, the following order was passed:

"1. These matters arise out of lease agreements for service apartments and the challenge here is to the transfer of investigation of the case arising out of the FIR dated 11.04.2019 filed by respondent No. 2 registered at Karaya Police Station in Kolkata. Considering the nature of the case, the State Police is adequately equipped to investigate the present matter and the High Court should not have ordered for transfer of investigation to the CBI while entertaining the petition under Section 482 of Cr.P.C. particularly when such a prayer was not even made in the petition.

2. Mr. Parthiv Goswami, learned senior counsel appearing for the complainant submits that following the transaction, the consideration amount was remitted and currently the complainant is in possession of the three service apartments. Therefore, what remains to be done by the other side is to execute the conveyance deed.

3. Today, the arguing counsel for the petitioners is not present and accordingly, adjournment is sought. The matters be listed accordingly after three weeks."

3. Mr. Luthra, learned senior counsel would submit that his clients - M/s. Fabworth Promoters Pvt. Ltd. and Mani Square Ltd. are prepared to execute the necessary Conveyance Deeds. Insofar as the Conveyance Deed for the Service Residence No. 1302 is concerned, the same was done. But for the Service Residence No. 2202 and Service Residence No. 2402, the proceedings under the

Prevention of Money Laundering Act, 2002 (for short, the "PMLA Act") is continuing before the Enforcement Directorate, Kolkata. But the complainants are already in possession of those properties.

4. For the occupational right of the complainant, since the properties are under attachment of the Enforcement Directorate, the rent for the property is being tendered to the Enforcement Directorate under order dated 16.03.2022 in the M.L. Case 1 of 2021 of the Chief Judge, City Sessions Court, Calcutta. They may continue to do so. The remaining two Conveyance Deeds be executed for the properties in question subject to the proceedings pending before the appellate tribunal under the PMLA Act.

5. With the aforesaid order, the complaint (Case No. CGR-1269 of 2019) stands quashed and the Special Leave Petitions stand disposed of.

6. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR