

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. 2298/2017

(Arising out of impugned final judgment and order dated 17/02/2017 in WPCRL No. 2572/2016 passed by the High Court of Delhi at New Delhi)

RAHUL SARAF

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and permission to file additional documents)

Date : 07/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Dr. A. M. Singhvi, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. A. P. Dhamija, Adv.
Mr. S. K. Singh, Adv.
Mr. J. P. Singh, Adv.
Ms. Bharti Tyagi, Adv.

For Respondent(s)

Ms. Pinky Anand, ASG.
Mr. D. N. Goburdhun, Adv.
Mr. P. K. Dey, Adv.
Ms. Sushma Manchanda, Adv.
Ms. Saudimini Sharma, Adv.
Mr. M. K. Maroria, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner had filed the writ petition under Article 226 of the Constitution of India in the High Court of Delhi. Prayer made in that petition was for setting

aside/quashing of the request for legal assistance dated 18.09.2015 issued by the Russian Federation to the Union of India. The petitioner also made a prayer to the effect that respondent Nos. 1 and 2, i.e., Union of India and the Central Bureau of Investigation be restrained from taking any action or steps in pursuant to the said letter of request dated 18.09.2015. We find that vide letter of request dated 18.09.2015 issued by the Russian Federation to the Union of India, the Russian Federation wants the petitioner to answer some queries which pertain to a Joint Venture Agreement (JVA) that was executed on 29.01.2008 between the Federal Agency for the Federal Property Management of the Russian Federation (a public joint stock holding company) with Saraf Agencies Private Limited(SAPL) and Titanium Mineral Products Limited (TMPL). This is a Joint Venture Agreement in relation to titanium project which was to be executed in the State of Orissa. As per the said JVA, the joint venture entity i.e., Titanium Products Private Limited (TPPL) was incorporated in the State of Orissa. Disputes have arisen because of the said JVA and as per the Russian company, the petitioner herein indulged in siphoning off Rs. 153 crores. Because of this, some criminal proceedings are initiated in Russia and that was the reason for issuing the aforesaid letter of request dated 18.09.2015.

In the writ petition which was filed by the petitioner, the main plea that was taken was that without supply of the

necessary documents, the petitioner could not be asked to answer those queries. We find from the impugned order that these documents were supplied during the pendency of the said writ petition and in view thereof the High Court came to the conclusion that no grievance of the petitioner remained and he was supposed to answer the questions that were posed in the said letter of request dated 18.09.2015.

To the aforesaid extent, we do not find any infirmity in the order. However, it is submitted by Dr. A. M. Singhvi, learned senior counsel appearing for the petitioner, that when the copy of the indictment order was supplied to the petitioner during the course of hearing of the aforesaid writ petition in the High Court, the petitioner realized therefrom that such proceedings in Russian Federation in respect of alleged offences committed on the Indian soil were totally unjust and could not have been taken. He, therefore, wanted to amend the petition and incorporate the said ground. However, since the petition was taken up for hearing and decided, the petitioner could not take up the aforesaid ground.

From the aforesaid it transpires that admittedly the ground which is now sought to be taken was not the ground taken in the writ petition. Of course, as per the petitioner such a thing surfaced when the indictment order was supplied to the petitioner. If that be so, the petitioner can always file a fresh writ petition in the High Court taking up the

aforesaid plea.

With these observations, we dispose of the special leave petition.

We may only remark that as far as this Court is concerned, no opinion is expressed on the aforesaid ground sought to be taken by the petitioner and as and when such a writ petition is filed the High Court shall deal with the same, in accordance with law, on its own merits.

(Nidhi Ahuja)
Court Master

(Saroj Kumari Gaur)
Court Master