

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 741 OF 2017  
(Arising out of SLP (Civil) No. 754 of 2017)

THE PROVIDENT INVESTMENT CO. LTD. ... Appellant

VERSUS

HEMLATA VIJAYSINH VED AND ORS. ... Respondents

O R D E R

Leave granted.

We have heard learned counsel for the parties finally.

It is not necessary to state the facts of the matter in detail. Suffice is to state that the case file pertaining to Suit No. 36 of 1969 had gone missing from the Registry of the High Court of Bombay and in order to fix responsibility, the High Court had passed orders dated 11<sup>th</sup> May, 2012, for investigation and pursuant thereto a First Information Report (FIR) was registered by the Central Bureau of Investigation (Anti Corruption Branch) Bandra, Mumbai, (hereinafter referred to as 'CBI'). The CBI conducted the inquiry and submitted, in a sealed cover, the final Status Report dated 04<sup>th</sup> October, 2016, to the High Court.

In the said report, the CBI has sought permission to file closure report in the Special Court, Mumbai, as the case relating to the missing document of Suit No. 36 of 1969 from

the Registry of High Court of Bombay remains undetected. At the same time, it has also sought orders for registration of criminal case against the officials of the Provident Fund Investment Company as well as unknown Government officials of various Departments.

After perusal of this Report, the High Court has passed the impugned orders. In para 7 of the order, the High Court has observed that it is for the CBI to decide the course of action to be taken on the basis of prayer 3.2 in the final Status Report wherein permission to register the criminal case against unknown officials is sought. After giving this direction, the High Court, in para 8, directed the Director General of Police of the State of Maharashtra and the Additional Superintendent of Police, CBI, to submit a report in the High Court in a sealed envelope as regards the steps taken in terms of the aforesaid prayer in the final Status Report. It is this part, whereby direction is given to the Director General of Police of the State of Maharashtra, validity whereof is questioned by the appellant in this petition.

We find that this objection of the appellant is justified inasmuch as when the matter was entrusted to the CBI and CBI has investigated the same, it is for the CBI to take a view in the matter. Since the CBI wants to file the closure report before the Special Judge, the CBI is permitted

to do so. For this purpose, further course of action that is required on such a closure report shall be taken by the Special Court after giving an opportunity to the parties to file objection thereto, if any.

We, therefore, set aside the direction given to the Director General of Police of the State of Maharashtra in the impugned order. Needless to mention, once the Report is filed before the Special Court, copy thereof has to be provided to the counsel for the parties to enable them to file their protest petition, if any.

The final Status Report which is submitted to us shall be returned to the CBI in sealed cover.

The appeal stands disposed of.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ R.K. AGRAWAL ]

New Delhi;  
January 20, 2017.

ITEM NO.28

COURT NO.8

SECTION IX

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 (C) No. 754/2017

(Arising out of impugned final judgment and order dated 16/12/2016  
in AN No. 302/2011 passed by the High Court of Bombay)

THE PROVIDENT INVESTMENT CO. LTD.

Petitioner(s)

VERSUS

HEMLATA VIJAYSINH VED AND ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned  
judgment, impleading party, permission to file synopsis and list of  
dates, interim relief and office report)

Date : 20/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Parties

Mr. Mukul Rohatgi, AG.  
Mr. Ranjit Kumar, SG.  
Mr. B. K. Satija, Adv.  
Mr. Rajesh Bindra, Adv.

Mr. M. K. Maroria, Adv.  
Mr. Mukul Singh, Adv.

Mr. Mukul Singh, Adv.  
Mr. Shadman Ali, Adv.

Mr. Shyam Divan, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. K. Talukdar, Adv.  
Mr. Abhinav Agrawal, Adv.  
Mr. E. C. Agrawala, Adv.

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

Application for impleadment is allowed.

Leave granted.

The appeal stands disposed of in terms of the signed  
order.

(Nidhi Ahuja)  
Court Master

(Mala Kumari Sharma)  
Court Master

[Signed order is placed on the file.]