

ITEM NO.29

COURT NO.2

SECTION X

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

Writ Petition(s)(Civil) No(s). 995/2019

NATIONAL SPOT EXCHANGE LTD.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IA No. 193395/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 16646/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 184128/2019 - INTERVENTION/IMPLEADMENT

IA No. 157708/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 23-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Vikram Nankani, Sr. Adv.  
Mr. Arvind Lakhawat, Adv.  
Ms. Diksha Rai, AOR  
Ms. Misha Rohatgi, Adv.  
Mr. Ankit Agarwal, Adv.  
Mr. Prateek Dhankhar, Adv.

For Respondent(s) Mr. Rahul Chitnis, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Ms. Kirti Dadheech, Adv.  
  
Mr. Sachin Patil, AOR  
  
Ms. Arti Singh, AOR  
  
Mr. Sumit Sinha, AOR  
  
Mr. Sanyat Lodha, AOR  
  
Ms. Anindita Mitra, AOR  
Mrs. Sanjana Saddy, Adv.  
  
Mr. Ankur Mittal, AOR  
  
Mr. Mukesh Kumar Maroria, AOR

Mr. Kanu Agarwal, Adv.  
Mr. Annam Venkatesh, Adv.  
Mr. Zoheb Hussain, Adv.  
Mr. Samar Singh Kachwaha, Adv.  
Ms. Harshita Sukhija, Adv.

Ms. Meenakshi S. Kamble, Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. Akhileshwar Jha, Adv.  
Ms. Niharika Dwivedi, Adv.  
Ms. Kavya S. Lokande, Adv.  
Ms. Sandhya R. Pawar, Adv.

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

IA No. 193395/2022 - APPROPRIATE ORDERS/DIRECTIONS

The only prayer made by the applicants are in the context of the requirement of the respondent No.3 State of Maharashtra to attach the monies to which trail has been found out by the forensic audit report obtained by the State Government. It is the submission of learned senior counsel that while some attachment orders have been issued, on the basis reports where money trails are available, attachment must take place also in respect of the beneficiaries/transferees of the beneficiary trail.

Learned counsel for the State Government submits that they are making all endeavours and some notifications have been issued recently but in that behalf the grievance of the applicants is that the same is not *qua* the persons to whom beneficiary trail leads.

Keeping in mind the principles for such attachment observed in the judgment of the Division Bench of the Nagpur Bench of the High Court of Bombay in *Chandraprakash s/o Prakash Wadhvani v. State of Maharashtra & Anr.* [Criminal Writ Petition NO.849/2018 dated 29.08.2018], there can be no doubt that urgent steps need to be taken for ensuring that the funds which have been transferred to third parties are obtained through the necessary process of attachment/liquidation so that the monies are not dissipated away and the Committee appointed by this Court can take action.

We expect the State Government to take urgent steps in this behalf in respect of the beneficiaries to whom funds are traced.

The application accordingly stands disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)