

ITEM NO.20

Court 5 (Video Conferencing)

SECTION XVII

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

Civil Appeal No(s). 3395/2020

JAYPEE KENSINGTON BOULEVARD APARTMENTS
WELFARE ASSOCIATION & ORS.

Appellant(s)

VERSUS

NBCC (INDIA) LTD & ORS.

Respondent(s)

(ONLY I.A.... (FOR DIRECTIONS) IN T.C.(C) No. 234/ 2020 LISTED]
WITH
T.C.(C) No. 234/2020 (XVI-A)
(I.A.... (FOR DIRECTIONS))

Date : 02-03-2021 This appln. was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Parties

Mr. Jaideep Gupta, Sr. Adv.
Mr. Amit Kumar Mishra, Adv.
Mr. Shashank Manish, AOR
Ms. Nidhi Sahay, Adv.
Ms. Manasi Chatpalliwar, Adv.

Mr. Parag P Tripathi, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. Sumant Batra, Adv.
Mr. Sanjay Bhatt, Adv.
Ms. Niharika Sharma, Adv.
Mr. Rahul Mendiratta, Adv.
Ms. Mishika Bajpai, Adv.
Ms. Shubhangi jain, Adv.
Ms. Akansha Srivastava, Adv.
Mr. Rabin Majumder, AOR

*Mr. Maninder Singh, Sr. Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.

*Mr. R.K. Raizada, Sr. Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamendra Mishra, AOR

Mr. Sahil Narang, AOR

Mr. S. S. Shroff, AOR

Mr. Divyam Agarwal, AOR

Mr. Vishal Gupta, AOR

M/S. Dua Associates, AOR

Mr. Rabin Majumder, AOR

M/S. Cyril Amarchand Mangaldas, AOR

Mr. Hasan Murtaza, AOR

Mr. Shariq Ahmed, Adv.

Mr. Tariq Ahmed, Adv.

Mr. Saju Jakob, Adv.

Mr. Sunil Kumar Verma, AOR

Mr. Amit Pawan, AOR

Mr. Sachin Sharma, AOR

Mr. Himanshu Shekhar, AOR

Mr. Ram Lal Roy, AOR

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

I.A. No. _____ in T.C. No.234/2020

We have heard Mr. Parag Tripathi, and Mr. Sidharth Luthra, learned senior counsel for the applicant, Mr. Anuj Jain.

We are appalled to see that the manner in which the Uttar Pradesh Police has handled this case emanating from F.I.R. No.0098/2021, registered at Police Station Beta-II in District Greater Noida, including to take the extreme step to arrest the Interim Resolution Professional, Mr. Anuj Jain,

who was working in that capacity pursuant to the order passed by the Court and entrusted with the functioning of the Company in question.

It is seen that the police official dealing with the case is not familiar with the provision of privilege of interim resolution appointed by the Court, in terms of Section 233 of the Insolvency and Bankruptcy Code.

Mr. R.K. Raizada, learned senior counsel appearing for the State of Uttar Pradesh, on instructions, submits that the Investigating Officer, Mr. Bijendra Singh, was of the view that the applicant may leave India at any time to avoid the prosecution and for securing his presence thought it necessary to arrest him from Mumbai.

We will examine this aspect of the matter elaborately at appropriate time by treating this application as substantive writ petition filed by the applicant under Section 32 of the Constitution of India and to be numbered accordingly.

In the meantime, we direct immediate release of the applicant, Anuj Jain, who is presently in custody of Police Station, Beta-II, District Greater Noida, Uttar Pradesh and had been produced

today i.e. 02.03.2021 before the Court of Chief Judicial Magistrate, Gautam Buddh Nagar, Uttar Pradesh.

We further direct the Investigating Officer not to take any coercive action against the applicant in connection with the subject F.I.R. until further orders.

We also issue notice to the Investigating Officer, Bijender Singh, Sub-Inspector, as to why appropriate action is not taken against him for taking such drastic action against the applicant. He shall file his personal affidavit explaining the position within two weeks from today.

List the writ petition after two weeks.

Copy of this order be forwarded to the office of the concerned Judge and Police Station Beta-II, District Greater Noida, Uttar Pradesh through e-mail and the Registrar(Judl.) of this Court shall personally intimate the office of the concerned Judge on telephone to ensure immediate release of the applicant, Mr. Anuj Jain, without imposing any conditions.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

*Appearance not received

