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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 02<sup>nd</sup> July, 2025*

+ W.P.(CRL) 614/2024 & CRL.M.As. 5673/2024, 38670/2024

GULSHAN BABBAR ADVOCATE

.....Petitioner

Through: Mr. Himanshu Upadhyaya, Ms. Ruby  
Sharma and Ms. Aastha Singh, Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha and Mr. Rahul Tyagi,  
ASC for State with Mr. Mr. Mathew  
M. Philip and Mr. Sangeet Sibou,  
Advocates along with Insp. Kamal  
Kishor, PS: EOW

Mr. Zoheb Hossain, Spl. Counsel for  
ED with Mr. Vivek Gurnani, Standing  
Counsel with Mr. Kartik Sabharwal,  
Mr. Pranjal Tripathi, Advocates for  
ED

Mr. Viraj R. Datar, Sr. Advocate with  
Mr. Surya Prakash Khatri, Mr.  
Arshdeep Singh Khurana, Ms.  
Tannavi Sharma and Mr. Nikhil  
Pawar, Advocates for Respondent Sh.  
Lalit Goyal

+ W.P.(CRL) 1111/2024 & CRL.M.As. 10702/2024, 12879/2024,  
29439/2024

GULSHAN BABBAR

.....Petitioner

Through: Mr. Himanshu Upadhyaya, Ms. Ruby  
Sharma and Ms. Aastha Singh, Advs.

versus



CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Ravi Sharma, SPP (CBI) with Mr. Swapnil Choudhary, Mr. Ishann Bhardwaj and Mr. Sagar, Advocates

Mr. Zoheb Hossain, Spl. Counsel for ED with Mr. Vivek Gurnani, Standing Counsel with Mr. Kartik Sabharwal, Mr. Pranjal Tripathi, Advocates for ED

Mr. Viraj R. Datar, Sr. Advocate with Mr. Surya Prakash Khatri, Mr. Arshdeep Singh Khurana, Ms. Tannavi Sharma and Mr. Nikhil Pawar, Advocates for Respondent Sh. Lalit Goyal

+ W.P.(CRL) 1219/2024 & CRL.M.As. 11819/2024, 15794/2024, 38536/2024

GULSHAN BABBAR

.....Petitioner

Through: Mr. Himanshu Upadhyaya, Ms. Ruby Sharma and Ms. Aastha Singh, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Farman Ali, SPC and Ms. Usha Jamnal, Advocate for R-1

Mr. Rahul Tyagi, ASC for State with Mr. Mathew M. Philip, Mr. Sangeet Sibou and Mr. Aniket Kumar Singh, Advocates along with Insp. Kamal Kishor, PS: EOW  
Mr. Zoheb Hossain, Spl. Counsel for

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ED with Mr. Vivek Gurnani, Standing Counsel with Mr. Kartik Sabharwal, Mr. Pranjal Tripathi, Advocates for ED

Mr. Viraj R. Datar, Sr. Advocate with Mr. Surya Prakash Khatri, Mr. Arshdeep Singh Khurana, Ms. Tannavi Sharma and Mr. Nikhil Pawar, Advocates for Respondent Sh. Lalit Goyal

+ W.P.(CRL) 2595/2024 & CRL.M.As. 25427/2024, 30263/2024, 38557/2024

GULSHAN BABBAR

.....Petitioner

Through: Mr. Himanshu Upadhyaya, Ms. Ruby Sharma and Ms. Aastha Singh, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Zoheb Hossain, Spl. Counsel for ED with Mr. Vivek Gurnani, Standing Counsel with Mr. Kartik Sabharwal, Mr. Pranjal Tripathi, Advocates for ED  
Mr. Shlok Chandra, Sr. Standing Counsel with Ms. Naincy Jain, Jr. Standing Counsel for ITD

+ W.P.(CRL) 862/2024 & CRL.M.As. 13094/2024, 17542/2024, 25197/2024, 31134/2024, 38537/2024, 38539/2024

GULSHAN BABBAR

.....Petitioner

Through: Mr. Himanshu Upadhyaya, Ms. Ruby Sharma and Ms. Aastha Singh, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Zoheb Hossain, Spl. Counsel for ED with Mr. Vivek Gurnani, Standing

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Counsel with Mr. Kartik Sabharwal,  
Mr. Pranjal Tripathi, Advocates for  
ED

Mr. Viraj R. Datar, Sr. Advocate with  
Mr. Surya Prakash Khatri, Mr.  
Arshdeep Singh Khurana, Ms.  
Tannavi Sharma and Mr. Nikhil  
Pawar, Advocates for Respondent Sh.  
Lalit Goyal

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**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

### **J U D G M E N T**

#### **MANMEET PRITAM SINGH ARORA, J :**

1. W.P. (Crl.) 614/2024 has been filed by the Petitioner under Article 226 of the Constitution of India ('Constitution'), seeking directions to statutory authorities, including the Directorate of Enforcement ('ED') and the Central Bureau of Investigation ('CBI'), to investigate the alleged siphoning of funds by a real estate company, M/s IREO Residences Company Pvt. Ltd., its group companies, and its directors, Mr. Lalit Goyal and Ms. Sapna Goyal. The petitioner also seeks a direction to the Reserve Bank of India ('RBI') to freeze the funds lying in the Escrow Account in the name of M/s IREO Residences Company Pvt. Ltd.

1.1 In the said writ petition, vide order dated 22.02.2024, this Court issued notice only to the State, through the SHO, Patparganj (Respondent No. 1) as well as SHO, P.S. Parliament Street (Respondent No. 2), and the ED (Respondent No. 4). No notice was issued to the CBI (Respondent No. 3), RBI (Respondent No. 5) and other Private Respondents, who were arrayed as

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parties. Vide orders dated 21.05.2024 and 21.11.2024, this Court directed that the Petitioner shall first address the issue of maintainability of the aforementioned writ petition.

2. W.P. (Crl.) 862/2024 has been filed by the same Petitioner under Article 226 of the Constitution wherein Petitioner has made allegations regarding the ED's failure to properly investigate and attach assets in the IREO Group's money laundering case. It is contended that while the ED has identified Rs. 4,246 crores as proceeds of crime, however, it has only attached properties worth Rs. 1,317 crores, deliberately excluding high-value assets such as 149 acres of prime land in Delhi, Gurgaon properties, and overseas investments. The petitioner alleges investigative bias and collusion accordingly; Petitioner seeks a direction to the ED to register a case under Prevention of Money Laundering Act, 2002 ('PMLA') and pass Provisional Attachment Order ('PAO') under Section 5(1) of PMLA prohibiting the Private Respondents and other accused from alienating proceeds of crime. The Petitioner sought to impugn the PAO no. 1/2022 dated 14.10.2022.

2.1 The aforementioned writ petition first came for hearing before this Court on 14.03.2024 wherein the Petitioner sought liberty from court to delete Union of India, through Ministry of Home affairs (Respondent No. 1) from the array of parties, however, the Court was of the opinion that prayers sought in the writ petition qua the said Respondent are not maintainable, however, notice was issued and issue of maintainability was left open and vide order dated 21.11.2024, the Court clarified that the arguments on maintainability would be heard and adjudicated first.

2.2 In this petition, there was no disclosure of the pendency of W.P. (Crl.) 614/2024. In fact, the Petitioner while pleading the mandatory non-filing

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clause in the writ petition [at paragraph 9], made a false declaration with respect to non-pendency of any other writ petition. The Petitioner was bound to disclose the pendency of W.P. (Crl.) 614/2024.

3. W.P. (Crl.) 1111/2024 has also been filed by the same Petitioner under Article 226 of the Constitution on 05.04.2024, based on similar averments and the same cause of action as in W.P. (Crl.) 614/2024 seeking a specific direction in W.P. (Crl.) 1111/2024 for investigation by the CBI into the alleged siphoning of funds by M/s IREO Residences Company Pvt. Ltd., its group companies, and its directors, Mr. Lalit Goyal and Ms. Sapna Goyal.

3.1 In this petition, there was no disclosure as to the pendency of W.P. (Crl.) 614/2024 and W.P. (CRL.) 862/2024. In fact, the Petitioner while pleading the mandatory non-filing clause in the writ petition [at paragraph 10], made a false declaration with respect to non-pendency of any other writ petition. The Petitioner was bound to disclose the pendency of the said writ petition.

3.2 In W.P. (Crl.) 1111/2024, the Petitioner has acknowledged that the ED had already registered an Enforcement Case Information Report ('ECIR') against M/s IREO Residences Company Pvt. Ltd. and its key managerial personnel, pursuant to which an investigation is ongoing and a supplementary charge-sheet has been filed. The Petitioner also sought directions to restrain the Private Respondents from alienating the alleged proceeds of crime.

3.3 No notice has been issued in this writ petition. Vide order dated 21.11.2024, the matter was listed for arguments on the issue of maintainability.

4. W.P. (Crl.) 1219/2024 has also been filed by the same Petitioner under Article 226 of the Constitution seeking direction to Union of India, through Ministry of Home affairs and ED to initiate appropriate legal action against



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Mr. Lalit Goyal, Mrs. Sapna Goyal, and other Key Managerial Personnel of M/s IREO Group of Companies. The Petitioner alleges a large-scale financial fraud involving the illegal diversion of Rs. 600 crores of public money through a shell company M/s Incredible Realcon Pvt. Ltd., to Mauritius-based accounts beneficially owned by one Mr. Lalit Goyal.

4.1 Petitioner contends that these transactions constitute ‘Proceeds of Crime’ as defined under Section 2(u) of the PMLA and seeks judicial intervention to direct the registration of a criminal complaint and a comprehensive investigation into the fraudulent transactions; issuance of a PAO under Section 5(1) of PMLA and to freeze the illicitly diverted funds and prevent further alienation. Petitioner also seeks direction to Union of India, through Ministry of Home affairs and ED to share information with concerned agency under the relevant provisions of law.

4.2 In this petition, there was no disclosure of the pendency of W.P. (Crl.) 614/2024, W.P. (CRL.) 862/2024 and W.P. (CRL) 1111/2024. In fact, the Petitioner while pleading the mandatory non-filing clause in the writ petition [at paragraph 9], made a false declaration with respect to non-pendency of any other writ petition. The Petitioner was bound to disclose the pendency of the said writ petitions.

4.3 The aforementioned writ petition first came for hearing before Court on 23.04.2024 wherein the Court upon being apprised about the pendency of the other writ petitions deemed it appropriate not to issue notice in the said writ petition and vide orders dated 21.05.2024 and 21.11.2024 clarified that issue of maintainability would be adjudicated first.

5. W.P. (Crl.) 2595/2024 has been filed by the same Petitioner under Article 226 of the Constitution seeking direction to Union of India, through



Ministry of Finance, ED, Serious Fraud Investigation Office ('SFIO'), Directorate of Income Tax and Economic Offices Wing ('EOW'), Delhi Police to investigate into the allegations of fraud, money laundering, and corporate malfeasance by M/s IREO Group of companies and its key managerial persons.

5.1 In the said writ petition, the Petitioner has alleged that M/s Blue Planet Infrastructure Pvt. Ltd., a IREO group company was fraudulently used in land transactions even prior to its legal incorporation on 09.08.2010, with fabricated board resolutions and sale deeds being created to show its involvement in transactions held in July, 2010 and earlier. It is stated that M/s Ireo Grace Realtech Pvt. Ltd. and its promoters colluded with M/s Blue Planet Infrastructure Pvt. Ltd. to divert homebuyers' funds through sham transactions between 2010-2016, despite the land being fully financed by the companies of IREO Group. It is stated that despite ED's supplementary prosecution complaint filed in ECIR/GNZO/10/2021 on 04.08.2023 acknowledging these irregularities and further Income Tax findings revealing fund diversions, the investigative agencies have failed to take action due to undue influence. Therefore, through the aforementioned writ petition, the Petitioner has also sought court-monitored investigations to ensure a fair, unbiased, and expeditious probe into the matter.

5.2 In this petition, there was no disclosure of the pendency of W.P. (Crl.) 614/2024, W.P. (CRL.) 862/2024, W.P. (CRL) 1111/2024 and W.P. (CRL) 1219/2024. In fact, the Petitioner while pleading the mandatory non-filing clause in the writ petition [at paragraph 20], made a false declaration with respect to non-pendency of any other writ petition. The Petitioner was bound to disclose the pendency of the said writ petitions.





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5.3 The aforementioned writ petition first came for hearing before Court on 27.08.2024 wherein the learned counsel appearing for the Private Respondents informed the Court that the same Petitioner has filed multiple writ petitions seeking similar reliefs, therefore, the Court finds it not a fit case to issue notice and vide orders dated 21.11.2024 clarified that issue of maintainability would be adjudicated first.

6. In W.P. (CRL) 862/2024 and W.P. (CRL) 1219/2024, the Petitioner made a declaration that he is a homebuyer and his hard-earned money has been duped by the Private Respondent i.e., builder.

The Private Respondent has stated that Petitioner is not an allottee in any of the projects launched by the IREO group companies. It stated that no money has been invested by the Petitioner with any of the IREO group companies.

The Petitioner, during the course of submissions has admitted the stance of the Respondent and concedes that the Petitioner is not a homebuyer and he has not invested any amount with IREO group companies. The Petitioner had no explanation for making the aforementioned false declaration to the contrary in the aforementioned writ petitions.

7. In light of the orders dated 21.05.2024 and 21.11.2024, this Court deems it appropriate to first adjudicate upon the issue of maintainability of the writ petitions filed by the same Petitioner, as the averments made and reliefs sought in the aforementioned writ petitions are substantially identical and arise from the same set of facts and circumstances. Accordingly, W.P. (Crl.) 614/2024 is hereby designated as the lead petition for the limited purpose of determining the maintainability of the series of writ petitions filed by the Petitioner.



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8. Consequently, for the sake of convenience, the factual matrix and memo of parties as set out in W.P. (Crl.) 614/2024 shall be treated as the representative case for the purpose of examining and adjudicating upon the issue of locus standi and the maintainability of the reliefs prayed for in all the connected writ petitions.

**Brief facts in W.P. (Crl.) 614/2024**

9. The brief facts, as set out in W.P. (Crl.) 614/2024, are that the Petitioner, while searching for a residential property, came across an advertisement dated 16.09.2023 published in the Hindustan Times for Project namely 'IREO Savannah' by M/s Faith Buildtech Pvt. Ltd., a group company of Respondent No. 6<sup>1</sup>, which claimed ownership of a plot located in Sohna, Haryana. Upon visiting the site, the Petitioner discovered that M/s Faith Buildtech Pvt. Ltd. was not the actual owner. Instead, four entities were involved in the project: M/s Faith Buildtech (Developer), M/s Trinayan Infracon (Owner), M/s Siddhanta Infracon (Owner), and M/s Gulmohar Real Build (Owner).

9.1 It is stated that this revelation led the Petitioner to suspect misrepresentation, and upon enquiry, the Petitioner discovered that the advertised property was linked to another project, namely the 'Grand Hyatt Residences' Project in Gurgaon, which had been launched in 2012 but had remained stalled since 2014. It is further stated that the Haryana Real Estate Regulatory Authority ('HRERA') had rejected the project's approval in 2017 due to significant deficiencies.

9.2 It is stated that Petitioner also uncovered that Respondent No. 6, the developer of the project, had fraudulently mortgaged the land for Rs. 1,181

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<sup>1</sup> M/s IREO Residences Company Pvt. Ltd.



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crores to Axis Trustees and later fraudulently modified the charge in favour of Bank of Mauritius on 10.03.2022. Moreover, the monies collected from homebuyers were allegedly siphoned off to Mauritius under the pretext of purchasing shares of a related entity at inflated prices. It is stated that Respondent No. 6 also defaulted in filing statutory financial statements with the Registrar of Companies ('RoC') since Financial Year 2013-14, thereby concealing these transactions.

9.3 It is stated that upon learning of these irregularities, the Petitioner approached Respondent No. 2, on 27.01.2024 to file a complaint, disclosing cognizable offences under Sections 406, /420, and 120B of the Indian Penal Code, 1860 ('IPC') and Sections 3 and 4 of PMLA. However, the duty officer refused to receive the complaint physically, prompting the Petitioner to send it via Speed Post, which was delivered on 29.01.2024. The Petitioner subsequently received an SMS confirming receipt of the complaint and the Complaint Reference Number on 30.01.2024, another SMS informed the Petitioner that an Enquiry Officer had been assigned. It is stated that given the urgency of the matter, the Petitioner also submitted the complaint to Respondent No. 4/ED, under the PMLA via Speed Post, which was delivered on 30.01.2024

9.4 It is stated that on 31.01.2024, upon receiving confirmation of receipt of complaint from Respondent No. 2, the Petitioner approached Respondent No. 5/RBI, which holds custody over the Escrow Account in the name of Respondent No. 6 and requested immediate legal action. The Petitioner specifically requested that the amount of Rs. 600 crores collected from the homebuyers which is deposited in the said account be frozen to prevent any unlawful transfer to foreign entities without due investigation.

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9.5 It is stated that Petitioner upon apprehension that the Respondent No. 5 might allow the transfer of Rs. 600 crores in collusion with officials of Respondent No. 6, the Petitioner also wrote to the Respondent No.3/CBI on 06.12.2023. The request was to investigate the matter and, if necessary, share the information with the ED under the PMLA.

9.6 It is stated that no action has been taken to date, therefore, the present writ petitions have been filed seeking appropriate directions to Respondents Nos. 1 to 4 to initiate legal proceedings and criminal prosecution against the Respondent companies and their Directors and Key Managerial Persons responsible for the conduct of business, for offences committed under applicable provisions of law and further seeking a direction to Respondent No. 5 to not to allow foreign remittance of Rs.600 crores lying in Escrow Account in the name of Respondent No. 6.

#### **Arguments of Petitioner**

10. Mr. Himanshu Upadhyaya, learned counsel for the Petitioner stated that the Petitioners intent is limited to placing on record cogent information and documents as to the siphoning of funds and corporate mismanagement by IREO group companies, and seeks a direction from this Court to the investigating authorities to conduct a proper investigation into the concerns raised by the Petitioner regarding financial mismanagement in the IREO Group through its directors, Lalit Goel and Sapna Goel.

10.1 He stated that despite submission of all the relevant information by the Petitioner to the ED, there has been no response from the agency even after notice being issued by this Court and, therefore, this inaction is a violation of statutory duty and warrants judicial intervention.



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10.2 He stated that the financial irregularities in the IREO group companies have resulted in substantial losses to Public Sector Banks and bonafide homebuyers, who invested their monies in projects launched by subsidiaries of the IREO Group. He stated that out of 4705 customers, 1700 have not received their allotted flats/plots despite having paid 90-95% of the consideration. He stated that approximately, 640 customers have paid over Rs. 1,376 crores but have neither received possession nor any communication. He stated that whereas ED has filed prosecution complaints and attached properties worth Rs. 1,317 crores; however, even as per ED's own supplementary charge-sheet the amount in question is Rs. 4,246.22 crores and, therefore, a significant portion remains unattached. He states that ED has failed to take action to secure this amount and the Private Respondents are disposing off their assets.

10.3 He stated that the Petitioner has the locus to maintain the present writ petition, notwithstanding the fact that the Petitioner is not directly affected, as the issue concerns public interest. He relied upon the judgment of the Supreme Court in **A.R. Antulay v. R.S. Nayak**<sup>2</sup> to contend that any person may set the criminal law in motion, and that absence of direct locus cannot be a ground to reject legitimate grievances pertaining to financial crimes.

10.4 He stated that in the present writ petitions, the Petitioner is not assailing the legality or correctness of the investigation by the agency. He stated that keeping in view the funds of the Banks/Financial Institution and Customers, the intent of the Petitioner is that the agency looks into the evidences available against the Private Respondents i.e., the builder.

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<sup>2</sup> (1984) 2 SCC 500.



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10.5 Petitioner has filed and relied upon its written submissions dated 18.03.2025.

**Arguments of Respondent No. 4, Enforcement Directorate**

11. Mr. Zoheb Hossain, learned Special Counsel for ED stated that the present writ petitions are not maintainable on the ground that Petitioner has no *locus standi* to file the present writ petitions as the Petitioner is not a person aggrieved under Article 226 of the Constitution.

11.1 He stated that investigation against the IREO group companies, its director Mr. Lalit Goyal, related/associate companies, and other key managerial personnel is already underway. He contended that since the investigation is ongoing, no direction can be issued to the ED regarding the manner or mode of investigation, which lies solely within the prerogative of the Investigating Officer and Agency. In support of this contention, he relied upon the judgment of the Supreme Court in **P. Chidambaram v. Directorate of Enforcement**<sup>3</sup>.

11.2 He stated that Gurgaon Zonal Office of Enforcement Directorate has registered an ECIR against IERO Group, its director Mr. Lalit Goyal, related/associate companies and other key managerial personnel vide ECIR/GNZO/10/2021 under PMLA on 15.06.2021 pursuant to which the investigation was conducted, leading to the arrest of Mr. Lalit Goyal.

11.3 He stated that on the basis of the evidence collected following investigation under ECIR/GNZO/10/2021, the ED filed a prosecution complaint dated 14.01.2022 qua the main accused Lalit Goyal and six IREO group of corporate entities before the learned Special Court (PMLA),

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<sup>3</sup> (2019) 9 SCC 24



Panchkula. The Special Court took cognizance vide order dated 21.01.2022. and granted permission to continue the investigation. As further investigation is underway, the reliefs sought in the present writ petitions are without any merit.

11.4 He stated that investigation had revealed that customers/homebuyers money to the tune of Rs. 1,376 crores, received for development of projects, was diverted out of IREO group of companies unlawfully thus, creating losses to the homebuyers. He stated that to safeguard the interest of the homebuyers, the Directorate issued a PAO no. 01/2022 dated 14.10.2022 under Section 5 of the PMLA for properties worth Rs. 1,317 crores (approx.) belonging to the IREO group companies and their key persons found to be involved in money laundering.

11.5 He stated that during investigation, the agency also learnt about illegal diversion of customer funds of Rs. 404 crores to M3M group of companies which led to search of the premises of M3M group of companies as well as arrest of one of its directors. He stated that a supplementary prosecution complaint dated 04.08.2023 was filed against 52 persons/corporate entities. He stated that properties of M3M group have also been attached.

11.6 He stated that the learned Special Judge (PMLA), Panchkula vide order dated 09.10.2023, has granted permission to the agency to continue its investigation and file another supplementary prosecution complaint.

11.7 He stated that PAO No. 03/2024 was issued on 20.05.2024 to attach the remaining proceeds of crime identified and quantified till that point of time. He stated that total proceeds of crime identified till date in the instant PMLA case is Rs. 1,376 crores, which has been attached by PAOs dated 14.10.2022 and 20.05.2024.



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11.8 He stated that in furtherance of the investigation, the ED has shared the information so collected under Section 66(2) of the PMLA with EOW, Delhi which has resulted in registration of FIR No. 0014 dated 12.03.2024.

11.9 He stated that thus, in the aforesaid facts, since further investigation in the matter is in progress pertaining to the unidentified/untraced transactions pertaining to the IREO group companies, the relief sought in the present petition are not maintainable.

11.10 While responding to factual averments in each writ petition, he stated that in reference to W.P. (Crl.) Nos. 614/2024 and 862/2024, he stated that the ED has already covered the issues raised therein through prosecution complaints under Sections 44 and 45(1) of the PMLA, and by issuing two PAOs followed by Original Complaints under Section 5 of the PMLA. The identified proceeds of crime till date amounting to Rs. 1,376 Crores, which includes Rs. 373.95 Crores collected by M/s IREO Residences Co. Pvt. Ltd. from the homebuyers for the 'Grand Hyatt Residences' project and the entire amount stands attached under the provisions of the PMLA.

11.11 With respect to W.P. (Crl.) Nos. 1111/2024 and 1219/2024, he stated that the alleged diversion of Rs. 533 Crores out of the loan amount of Rs. 600 crores, by Private Respondent in 2017 has already been addressed in the first prosecution complaint dated 14.01.2022, particularly in Paragraphs 10.4.5 and 10.4.8 wherein it was detailed that the M/s IREO Group transferred funds offshore through entities such as M/s Luzige Ltd. and M/s Sethos Ltd., without any project completion, and based solely on valuation reports.

11.12 He stated that as a part of fact-finding exercise, ED made enquiries with the lending banks which revealed that no predicate offence has been registered at the instance of the lender banks with any competent Law Enforcement





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Agency ('LEA') in respect of diversion of the said loan amount of Rs. 600 crores therefore, in the absence of any predicate offence the ED does not have jurisdiction to investigate the said alleged offence of money laundering. He stated that the lender banks have already initiated SARFAESI proceedings against the debtor company.

11.13 He stated that the genesis of the ECIR/GNZO/10/2021 is based on alleged proceeds of crime arising from complaints of homebuyers regarding non-delivery of booked units despite payment of booking amounts; however, the core allegations made by the Petitioners in the present writ petitions pertain to offences under Sections 420, 406, 467, 468, 470, 471, 472, and 120B of IPC, which fall outside the investigative jurisdiction of the ED.

11.14 He stated that the Petitioner's allegations in W.P. (Crl.) No. 2595/2024 regarding an advance payment of Rs. 35 Lakh prior to the incorporation of the company is factually incorrect, as the sale deed annexed to the petition reflects a one-time payment of Rs. 70 Lakh on 11.08.2010. The allegation that Blue Planet Infrastructure Pvt. Ltd. executed a tri-partite agreement on 02.08.2010, prior to its incorporation on 09.08.2010, indicates possible forgery of board resolutions and fraudulent conduct an aspect falling within the jurisdiction of the SFIO, Respondent No. 3.

11.15 He further stated that the said transaction(s) have already been noted in the first prosecution complaint dated 14.01.2022 at paragraph nos. 10.6.1 and 10.6.6 as well as in the supplementary complaint dated 04.08.2023 at paragraph nos. 7.4.7.

11.16 He stated that SFIO is investigating the aforesaid allegation against IREO group companies vide F. No. SFIO/INV/1124/2018-19/IREO/i.

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11.17 He stated that the facts set out in each of these writ petitions are within the knowledge of the investigating agency and have been investigated by the ED. He stated that after due consideration the relevant material has been placed in the prosecution complaints. He stated that only with respect to Rs. 600 crore loan transaction, the agency is not investigating the said transaction as it is not a part of any scheduled offence and thus, beyond its jurisdiction. He states that thus, these petitions ought to be dismissed.

11.18 He relies upon the written submissions handed across the bar on 20.03.2025 and the same has been taken on record.

**Arguments of Respondent No. 7, Lalit Goyal**

12. Mr. Viraj R. Datar, learned senior counsel appearing for Private Respondent No. 7 adopts the submissions made by learned counsel for Respondent No. 4 regarding the Petitioner's lack of locus standi to maintain the present writ petitions.

12.1 In addition to the issue of locus standi, learned senior counsel stated that the Petitioner has attempted to circumvent the limitation of not being an affected party under Article 226 of the Constitution by portraying the writ petitions as public interest litigations (PILs). However, the petitions have neither been titled nor filed in accordance with the Delhi High Court (Public Interest Litigation) Rules, 2010. Accordingly, the Petitioner cannot now claim that the petitions are in the nature of PILs.

12.2 He stated that the Petitioner has abused the process of law by filing multiple writ petitions against Respondent No. 7 and its group companies, seeking similar reliefs relating to investigation, despite being fully aware of pending inquiries. Simultaneously, the Petitioner has lodged multiple



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complaints before various investigating agencies based on the same cause of action.

12.3 He submitted that the Petitioner has deliberately and intentionally attempted to mislead this Court by making false disclosures as to non-filing, advancing false statements, and misrepresenting previous orders of this Court. To substantiate his submission, he pointed to undertakings given by the Petitioner in W.P. (Crl.) Nos. 862/2024 and 1219/2024, where the Petitioner claimed to be a homebuyer aggrieved by the actions of the Private Respondents and thus an affected party under Article 226. However, as a matter of fact, the Petitioner has not invested even a single penny in any of the projects launched by the Private Respondents.

12.4 He further stated that in W.P. (Crl.) No. 1111/2024, the Petitioner has knowingly distorted and manipulated various orders passed by this Court with the intention of causing prejudice against the Private Respondents, which amounts to committing fraud upon the Court. To substantiate this submission, learned senior counsel has placed before the Court a chart at page 91 of the Convenience Compilation.

12.5 He relies upon the written submissions dated 19.12.2024 and the convenience volume dated 19.12.2024.

13. The Respondent No. 7 has also placed on record a copy of the writ petition filed by the Petitioner herein before the Supreme Court seeking, inter alia, a direction to the ED to pursue its application before the High Court of Punjab and Haryana for cancellation of bail granted to Mr. Lalit Goyal vide order dated 08.04.2022, as well as a direction for preservation of the alleged proceeds of crime, reliefs which are substantially similar to those prayed for in the present writ proceedings before this Court. However, the Petitioner,



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vide order dated 21.03.2025, sought and was granted leave to withdraw the said writ petition by the Supreme Court. The said writ petition and the order dated 21.03.2025 was taken on record vide order dated 27.05.2025 passed by this Court.

#### **Analysis and Findings**

14. This Court has heard the submissions advanced by the learned counsel for the parties and perused the material placed on record.

15. The principal issues that arise for the consideration of this Court are twofold: (i) whether Petitioner has locus standi to file the present writ petition(s); and (ii) whether the present writ petition(s) seeking similar relief(s) as to court monitored investigation are maintainable.

#### **Issue No. i: Whether Petitioner has locus standi to file the present writ petitions**

16. Before advertng to the factual matrix of the present case, it is apposite to refer to the decision of the Supreme Court in **Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed**<sup>4</sup>, wherein the Court laid down the settled principle that a person/petitioner invoking the writ jurisdiction under Article 226 must ordinarily have a personal or individual right in the subject matter. The relevant extract of the said judgement reads as under:-

**“34. This Court has laid down in a number of decisions that in order to have the locus standi to invoke the extraordinary jurisdiction under Article 226, an applicant should ordinarily be one who has a personal or individual right in the subject-matter of the application, though in the case of some of the writs like habeas corpus or quo warranto this rule is relaxed or modified.** In other words, as a general rule, infringement of some legal right or prejudice to some legal interest inhering in the petitioner is necessary to give him a locus standi in the matter, (see *State of Orissa v. Madan Gopal Rungta* [1951 SCC 1024 : AIR 1952 SC 12 : 1952 SCR 28] ; *Calcutta Gas Co. v. State of W.B.* [AIR 1962 SC 1044 : 1962 Supp (3) SCR 1] ; *Ram Umeshwari Suthoo v. Member, Board of*

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<sup>4</sup> (1976) 1 SCC 671



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Revenue, Orissa [(1967) 1 SCA 413] ; Gadde Venkateswara Rao v. Government of A.P. [AIR 1966 SC 828 : (1966) 2 SCR 172] ; State of Orissa v. Rajasaheb Chandanmall [(1973) 3 SCC 739] ; Satyanarayana Sinha Dr v. S. Lal & Co. [(1973) 2 SCC 696 : (1973) SCC (Cri) 1002] ).”

(Emphasis Supplied)

16.1 The above principle has been reiterated by the Supreme Court in **Ayaubkhan Noorkhan Pathan v. State of Maharashtra**<sup>5</sup>, wherein it was held that a stranger to the proceedings cannot invoke the writ jurisdiction of the High Court unless he satisfies the Court that he falls within the category of a person aggrieved. While the Court recognized a limited exception in the case of genuine public interest litigation (PIL), it also cautioned against the misuse of PILs by interlopers. The relevant extract of the said judgement reads as under :-

**“9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. **The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same.** [Vide State of Orissa v. Madan Gopal Rungta [1951 SCC 1024 : AIR 1952 SC 12] , Saghir Ahmad v. State**

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<sup>5</sup> (2013) 4 SCC 465



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of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784] .]

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14. This Court has consistently cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that, “ordinarily meddlesome bystanders are not granted a visa”. Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases, where the subjective purpose of the lis justifies the need for it. (Vide *P.S.R. Sadhanantham v. Arunachalam* [(1980) 3 SCC 141 : 1980 SCC (Cri) 649 : AIR 1980 SC 856] , *Dalip Singh v. State of U.P.* [(2010) 2 SCC 114 : (2010) 1 SCC (Civ) 324] , *State of Uttaranchal v. Balwant Singh Chaufal* [(2010) 3 SCC 402 : (2010) 2 SCC (Cri) 81 : (2010) 1 SCC (L&S) 807] and *Amar Singh v. Union of India* [(2011) 7 SCC 69 : (2011) 3 SCC (Civ) 560] .)

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23. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, cannot claim to have any locus standi to raise any grievance whatsoever. **However, in exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the court, then the court may examine the issue** and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed suo motu, in such respect.”

(Emphasis Supplied)

16.2 In the conspectus of the facts emerging in the present writ petition(s), it is not in dispute that the Petitioner neither qualifies as a homebuyer nor is

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otherwise directly or indirectly affected by the alleged acts of corporate mismanagement and misappropriation of funds purportedly committed by Respondent No. 6 and its key managerial personnel. Consequently, the Petitioner does not fall within the category of person aggrieved so as to be entitled to invoke the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution.

16.3 It is settled law that only conceivable basis on which writ petitions may be filed by a party, who is not a person aggrieved is on the anvil of Public Interest Litigation. However, in view of the admitted fact that the petitions have not been instituted in accordance with the provisions of the Delhi High Court (Public Interest Litigation) Rules, 2010, the captioned writ petitions are not Public Interest Litigations and, therefore, Petitioner lacks the requisite locus standi to maintain the present writ petitions.

16.4 Further, the reliance placed by the Petitioner on the judgment of the Supreme Court in **A.R. Antulay** (Supra) to maintain these writ petitions for a Court monitored investigation, in the considered opinion of this Court is misconceived. While it is a well-established principle of criminal jurisprudence that any individual may set the criminal law in motion, save where a statutory provision enacting or creating an offence provides however, the said principle of law was set out in the said judgment in the context of filing and maintaining complaints before the competent authority and not a writ petition. Paragraph nos. 6 and 7 of the said judgment itself are instructive and clarifies that the scheme of the Code of Criminal Procedure, 1973, envisages specific procedural routes, which are available to the complainant who seeks to put the criminal law into motion namely, by approaching either the Magistrate or the officer in charge of a police station.

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The Supreme Court in the judgement of **All India Institute of Medical Sciences Employees' Union (Regd.) v. Union of India**<sup>6</sup>, specifically observed that a writ petition seeking registration of a criminal complaint without the writ petitioner first availing the remedies available under the applicable law, is not maintainable. The said position was further reiterated by the Supreme Court in the judgements of **Gangadhar Janardan Mhatre v. State of Maharashtra**<sup>7</sup>, **Minu Kumari v. State of Bihar**<sup>8</sup> and **Hari Singh v. State of U.P.**<sup>9</sup>. Thus, the general proposition as regards locus to approach the competent authority in a criminal complaint relied upon by the Petitioner, though correctly stated, does not assist the Petitioner in maintaining the present writ petition, which seeks Court monitored investigation.

16.5 In the facts of the present case, the Petitioner is not seeking registration of a criminal complaint or initiation of criminal proceedings in the first instance. Rather, the prayer is for a court-monitored investigation, which is a qualitatively distinct remedy and is governed by different considerations in law. The legal considerations for the same have been discussed while deciding Issue No. ii.

16.6 It is not disputed that the criminal law has already been set in motion: an ECIR has been registered by the ED; a prosecution complaint has been filed; and cognizance thereof has been taken by the learned Special Judge (PMLA). In view of the foregoing, the reliance placed on the judgment of **A.R. Antulay** (Supra) is found to be inapposite and does not support the prayer advanced by the Petitioner.

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<sup>6</sup> (1996) 11 SCC 582 at paragraph 4 and 5

<sup>7</sup> (2004) 7 SCC 768 at paragraphs 13 and 14

<sup>8</sup> (2006) 4 SCC 359 at paragraph 16

<sup>9</sup> (2006) 5 SCC 733 at paragraph 4





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16.7 The Issue No. i accordingly decided against the Petitioner.

**Issue No. ii: Whether present Petition(s) seeking similar relief(s) as to court monitored investigation are maintainable**

17. The Petitioner seeks a Court monitored investigation by ED and other investigative agencies into the transactions of Respondent No. 6. ED has opposed this prayer on the ground of non-maintainability and has stated that investigation is already underway and does not suffer from any infirmity or laxity.

18. Before advertng to the facts of this case, it would be instructive to refer to the judgments settling the legal principles qua the said relief sought in these writ petition(s). It is a settled principle of law that judicial supervision over investigation is to be exercised only in the rarest of rare cases and where such oversight becomes imperative in the interest of justice. In the judgement of **Dukhishyam Benupani v. Arun Kumar Bajoria**<sup>10</sup>, the Supreme Court held that as long as investigation does not suffer from any vires of law that the Court should not entrust itself the task of monitoring the same. The relevant extract of the said judgement reads as under :-

“7. It seems rather unusual that when the aggrieved party approached the High Court challenging the order passed by a subordinate court the High Court made the position worse for the aggrieved party. The officials of the Directorate are now injuncted by the Division Bench from arresting the respondent and the time and places for carrying out the interrogations were also fixed by the Division Bench. Such kind of supervision on the enquiry or investigation under a statute is uncalled for. We have no doubt that such type of interference would impede the even course of enquiry or investigation into the serious allegations now pending. For what purpose the Division Bench made such interference with the functions of the statutory authorities, which they are bound to exercise under law, is not discernible from the order under challenge. **It is not the function of the court to**

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<sup>10</sup> (1998) 1 SCC 52



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**monitor investigation processes so long as such investigation does not transgress any provision of law. It must be left to the investigating agency to decide the venue, the timings and the questions and the manner of putting such questions to persons involved in such offences. A blanket order fully insulating a person from arrest would make his interrogation a mere ritual, (vide State rep. by the CBI v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651]).**

(Emphasis Supplied)

18.1 In **P. Chidambaram** (Supra), the Supreme Court reiterated that the investigation is within the exclusive domain of investigating agencies and judicial intervention is unwarranted unless there is a demonstrable abuse of process. The relevant extract of the said judgement reads as under :-

“61. The investigation of a cognizable offence and the various stages thereon including the interrogation of the accused is exclusively reserved for the investigating agency whose powers are unfettered so long as the investigating officer exercises his investigating powers well within the provisions of the law and the legal bounds. **In exercise of its inherent power under Section 482 CrPC, the Court can interfere and issue appropriate direction only when the Court is convinced that the power of the investigating officer is exercised mala fide or where there is abuse of power and non-compliance of the provisions of the Code of Criminal Procedure. However, this power of invoking inherent jurisdiction to issue direction and interfering with the investigation is exercised only in rare cases where there is abuse of process or non-compliance of the provisions of the Criminal Procedure Code.**

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66. As held by the Supreme Court in a catena of judgments that there is a well-defined and demarcated function in the field of investigation and its subsequent adjudication. **It is not the function of the court to monitor the investigation process so long as the investigation does not violate any provision of law. It must be left to the discretion of the investigating agency to decide the course of investigation. If the court is to interfere in each and every stage of the investigation and the interrogation of the accused, it would affect the normal course of investigation.** It must be left to the investigating agency to proceed in its own manner in interrogation of the accused, nature of questions put to him and the manner of interrogation of the accused.

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67. It is one thing to say that if the power of investigation has been exercised by an investigating officer mala fide or non-compliance of the provisions of the Criminal Procedure Code in the conduct of the investigation, it is open to the court to quash the proceedings where there is a clear case of abuse of power. It is a different matter that the High Court in exercise of its inherent power under Section 482 CrPC, can always issue appropriate direction at the instance of an aggrieved person if the High Court is convinced that the power of investigation has been exercised by the investigating officer mala fide and not in accordance with the provisions of the Criminal Procedure Code. **However, as pointed out earlier that power is to be exercised in rare cases where there is a clear abuse of power and non-compliance of the provisions falling under Chapter XII of the Code of Criminal Procedure requiring the interference of the High Court.** In the initial stages of investigation where the Court is considering the question of grant of regular bail or pre-arrest bail, it is not for the Court to enter into the demarcated function of the investigation and collection of evidence/materials for establishing the offence and interrogation of the accused and the witnesses.”

(Emphasis Supplied)

18.2 The above view has been further affirmed in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra**<sup>11</sup>. In this judgment, the Supreme Court after taking note of all its previous judgments has summarised the principles at paragraph 13 which reads as under:

“13. From the aforesaid decisions of this Court, right from the decision of the Privy Council in Khwaja Nazir Ahmad [King Emperor v. Khwaja Nazir Ahmad, 1944 SCC OnLine PC 29 : (1943-44) 71 IA 203 : AIR 1945 PC 18] , the following principles of law emerge:

13.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences.

13.2. **Courts would not thwart any investigation into the cognizable offences.**

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13.6. Criminal proceedings ought not to be scuttled at the initial stage.

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13.8. **Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however,**

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<sup>11</sup> 2021 SCC OnLine SC 315



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**recognised to secure the ends of justice or prevent the above of the process by Section 482CrPC.”**

(Emphasis Supplied)

18.3 This Court has perused the status report filed by SHO, P.S. Parliament Street in W.P. (Crl.) 614/2024 under the cover of index dated 17.05.2024, as well as the reply filed by the ED, Respondent No. 4 dated 20.05.2024. The written submissions handed over by ED on 20.03.2025 is also relevant.

18.4 The said documents reveal that the ED has already registered a criminal case vide ECIR/GNZO/10/2021 under PMLA against Respondent No. 6, its group companies and its key managerial personnel. Further, a prosecution complaint dated 14.01.2022 stands filed and registered as COMA/1/2022. Its cognizance has been taken by the learned Special Court, (PMLA) Panchkula, vide order dated 21.01.2022. A supplementary prosecution complaint dated 04.08.2023 also stands filed and the learned Special Judge, (PMLA), Panchkula vide order dated 09.10.2023 has granted permission for continuation of investigation and filing of further supplementary prosecution complaint.

18.5 ED has asserted that on the basis of its investigation, the total proceeds of crime identified till date in the instant PMLA case is Rs. 1,376 crores, which has been secured by attaching properties vide PAO no. 01/2022 dated 14.10.2022 and PAO no. 03/2024 dated 20.05.2024.

18.6 ED has asserted that the transactions of IREO group companies complained of in all the writ petitions are to its knowledge, have been investigated and have been duly set out in the prosecution complaint dated 14.01.2022 and supplementary prosecution complaint dated 04.08.2023.

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18.7 ED has stated that the loan transaction of Rs. 600<sup>12</sup> crores and its alleged illegal diversion though to its knowledge has not been made a part of the instant PMLA case as the lender banks have not filed any criminal complaint with any LEA and, therefore, in the absence of any registered predicate offence this transaction is not part of a scheduled offence and the provisions of PMLA cannot be invoked to investigate the said transaction.

18.8 ED has stated that it is cognizant of all the facts mentioned in the petitions and it has already investigated the said transactions (except the loan transaction of Rs. 600 crores), which fall within its jurisdiction and placed the same in the prosecution complaint dated 14.01.2022 and supplementary prosecution complaint dated 04.08.2023.

18.9 The submission of the Petitioner that the total proceeds of crime are Rs. 4246.22 crores and a significant portion remains unattached is not substantiated. ED has stated in its written submissions that the total proceeds of crime identified by the agency is Rs. 1,376 crores and the said amount has been secured through the issuance of two attachment orders dated 14.10.2022 and 20.05.2024 respectively.

18.10 The Petitioner in its written submissions has stated that in addition to the impact on homebuyers, the transactions by the management of IREO group companies has caused losses to the banking sector and these have been detailed in paragraph 20(a) of the written submissions. However, ED has explained that the allegations qua the misuse of loans availed from the banks are not being investigated as the banks have not filed any criminal complaint

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<sup>12</sup> W.P. (CRL) 1111/2024 and W.P. (CRL) 1219/2024



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and, therefore, in the absence of a predicate offence, ED has no jurisdiction to investigate the allegations of money laundering.

The Petitioner has been unable to rebut the aforesaid submission of the ED qua lack of jurisdiction vis-à-vis the allegations of wrongful diversion of the loans availed from the banks. The Petitioner has thus failed to make out a case of inaction by the ED.

18.11 The facts placed on record reveal that ED is pursuing the investigation at the instance of the homebuyers and the same is being monitored by the learned Special Court, (PMLA), Panchkula. The Petitioner has not alleged any inaction by the ED qua the complaint of the home buyers. The ED has also placed on record facts showing that appropriate attachment orders for the identified proceeds of crime already stand issued.

In these facts, the Court is of the considered opinion that no case for a further Court-monitored investigation or issuance of directions for further attachment in these proceedings by ED has been made out by the Petitioner.

18.12 The Issue No. ii accordingly decided against the Petitioner.

19. The Petitioner has impleaded SHO, P.S. Parliament Street. The said SHO has filed its status report dated 17.05.2024 and stated that all allegations raised by the Petitioner in its complaint have arisen at Gurugram, which is outside the territorial jurisdiction of the said Police Station. The said status report has not been disputed by the Petitioner.

20. With respect to the investigation by SFIO as regards the allegations forming subject matter of W.P. (CRL) 2595/2024, this Court notes that a specific order in this regard has already been passed by the Coordinate Bench on 11.03.2020 in W.P. (CRL) 679/2020. Further, the Division Bench vide order dated 28.03.2023 passed in W.P. (CRL) 2577/2021 recorded its



satisfaction with the status report filed by SFIO in those proceedings, while noting that the investigation is pending. This Court having concluded that the Petitioner has no locus standi to maintain these petitions is not inclined to issue any directions to SFIO for completing its investigation expeditiously.

**Additional issue: Suppression of the other proceedings in the writ petition as well as mis-representation of material facts including Court orders**

21. The Petitioner has successively filed five (5) writ petitions. As per Rules, Petitioner is bound to disclose the filing and pendency of the previous petition in the successive petition. The issue of non-maintainability of the W.P. (CRL) 614/2024 stood framed on 21.05.2024. It is a matter of record that the Petitioner has failed to disclose pendency of the earlier writ petitions in the successive petitions. In fact, the Petitioner made a false declaration regarding non-filing of similar petitions. Illustratively, paragraph no. 20 of W.P. (CRL) 2595/2024 is reproduced; on this date the previously filed four petitions were pending and the issue of maintainability had been raised in each of the said petitions as on 21.05.2024; however, there is no disclosure of this material fact:

“20. That the petitioner has not filed any other similar petition before this Hon’ble Court or the Hon’ble Supreme Court of India or any other Court on the self-same cause of action nor is any such application pending either before this Hon’ble Court or the Hon’ble Supreme Court or any other Court.”

22. Respondent No. 7 has placed on record in the convenience volume a chart as document no. 4 which shows the overlap in the prayers sought by the Petitioner in these five petitions.

23. The Respondent No. 7 has also submitted that Petitioner in W.P. (CRL) 1111/2024 has misrepresented the orders of this Court in its pleading at paragraph nos. 7(4), (5), (6), (7), (8) and ground J. Respondent No. 7 has





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placed on record with its convenience volume a chart filed as document no. 9 along with the orders filed as document no. 10 to show the misrepresentation. This Court has perused the said chart and the orders; and this Court finds merit in the submission of the Respondent No. 7 that the Petitioner has grossly misrepresented the orders dated 18.12.2023<sup>13</sup>, 14.03.2024<sup>14</sup>, 26.02.2024<sup>15</sup>, 19.01.2022<sup>16</sup>, 28.03.2023<sup>17</sup> and 11.03.2020<sup>18</sup> passed in several writ petitions concerning IREO group companies.

24. The Petitioner also made a false statement in W.P. (CRL) 862/2024 and W.P. (CRL) 1219/2024 that he is a homebuyer and his hard-earned money has been duped by the Respondent builder. It is conceded by the Petitioner that he has made no financial investment in the IREO Projects. The said statement was made to mislead and overcome the objection of maintainability.

25. The conduct of the Petitioner in failing to disclose the filing and pendency of the earlier writ petitions, the deliberate misrepresentation of the contents of the orders passed by this Court and the false assertion with respect to being a financial investor in the IREO Projects evidence that the Petitioner has approached this Court with unclean hands. The writ proceedings are decided on the basis of pleadings supported by affidavits affirming the truthfulness of the contents set out therein. The Petitioner has made false declarations contrary to record exhibiting no fear for violating the process of Courts with an intent to mislead the Court. The Petitioner is an Advocate by

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<sup>13</sup> Passed in W.P. (C) 16305/2023

<sup>14</sup> Passed in W.P. (Crl) 862/2024

<sup>15</sup> Passed in W.P. (Crl) 614/2024

<sup>16</sup> Passed in W.P. (C) 10337/2019

<sup>17</sup> Passed in W.P. (Crl) 2577/2021

<sup>18</sup> Passed in W.P. (Crl) 679/2020





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profession and is therefore, aware about the legal processes and the obligation of the party/petitioner of deposing truthfully while filing affidavits.

26. In view of the foregoing, all the writ petitions filed by the Petitioner are dismissed on the grounds of lack of locus standi and non-maintainability.

27. Further, a cost of Rs. 25,000/- (Rupees twenty-five thousand only) for each petition is imposed upon the Petitioner for knowingly concealing the pendency of other petitions, making a false declaration of non-filing, and misrepresenting the contents of the previous orders passed by this Court. The said total cost of Rs. 1,25,000/- shall be deposited with the Delhi High Court Legal Services Committee (DHCLSC) within a period of two (2) weeks and an affidavit of compliance shall be filed by the Petitioner within one (1) thereafter.

**MANMEET PRITAM SINGH ARORA  
(JUDGE)**

**JULY 2, 2025/ms/hp/AKT**

*Click here to check corrigendum, if any*

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