ITEM NO.56 COURT NO.11 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)
No(s).19649/2009
(From the judgement and order dated 22.7.2009 in C.W.P. No.857/2009 of The HIGH COURT OF DELHI AT NEW DELHI)

DIRECTORATE OF ENFORCEMENT
Petitioner(s)

VERSUS

ARUN KUMAR AGRAWAL & ORS.
Respondent(s)

(With prayer for interim relief and office report)

Date: 09/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Gopal Subramanium,S.G.
Mr. Rajshekhar Rao, Adv.
Mr. Sreekumar, Adv.
Mr.Senthil Jagadeesan,Adv.

For Respondent(s) Mr. Prashant Bhushan,Adv.

Mr. Rajiv Nanda, Adv.
Mr. B.K. Prasad, Adv.

Mr. Kamaldeep Dayal, Adv.
Mr. Siddhartha Chowdhury, Adv.

O R D E R

UPON hearing counsel the Court made the following

This petition is directed against order dated 22.7.2009 passed by the learned Single Judge of Delhi High Court, paragraph 11 of which reads thus:

"CIC is yet to decide the question whether the information sought for is covered by Section 24(1) of the Act, whether first proviso applies and exceptions can be claimed under Section 8(1) of the Act. Impugned order dated 29th December, 2008 makes a general observation on the basis of allegations made by the respondent No. 1 in the appeal and observes that allegations of corruption have been made. No final and determinative finding has been given by CIC. It is open to the petitioner to produce the original files and then press that the conditions mentioned in proviso to Section 24(1) of the Act are not satisfied in this case and thus provisions of Section 8(1) of the Act are not required to be examined. Dr. Arun Kumar Agrawal has contended that Mr. Virendera Dayal was not appointed by the Directorate of Enforcement and Section 24(1) of the Act is not applicable, even if the report is recently with the said Directorate. These aspects have not been decided by the CIC. It will not be appropriate for this Court to control the proceedings and flexibility and lactitude has to be allowed. The impugned orders can hardly be categorised as adverse orders against the Directorate of Enforcement."

We have heard learned counsel for the parties and perused the records. In our view, the impugned order does not suffer from any patent legal infirmity requiring interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed. However, it is made clear that the parties shall be entitled to make all legally permissible submissions before the Central Information Commissioner.

(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master