

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION No.11 OF 2018
IN
CRIMINAL PIL (STAMP) NO.27 OF 2017**

Reliance Industries Ltd.

... Applicant
(Intervenor)

IN THE MATTER OF:

Ketan Tirodkar

... Petitioner

Vs.

Enforcement Directorate & Ors.

... Respondents

Mr.Amit Desai, Senior Advocate with Gopal Shinoy, Pawan mali,
Rishit Badiyani, Ms.Swati jain i/b M/s.A.S. Dayal & Asso. for the
Applicant

Mr.H.S. Venegavkar with A.L. Bhise & t.V. Dhotre for Resp. No.1

Ms.Mohinee Chougule i/b Suresh Kumar for the Respondent No.2

Ms.Prajakta Shinde, APP, for State

Mr.Sandesh Patil for Resp. No.3

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..
DATED: SEPTEMBER 5, 2018**

P.C. :

1. This application is filed with the following prayers:

“a. that this Hon'ble Court be pleased to permit the
Intervenor to intervene in the Criminal Public Interest
Litigation (stamp) No.27 of 2017 and hear the Intervenor

before passing the final order in Criminal Public Interest Litigation (stamp) No.27 of 2017;

b. that this Hon'ble Court be pleased to recall the ex-parte Orders dated 20th April, 2018, 29th June, 2018 and 24th August, 2018 (Exhibits M, N and O hereto);

c. that pending the hearing and final disposal of this Application this Hon'ble Court be pleased to stay the operation, effect and implementation of the ex-parte Orders dated 20th April, 2018, 29th June, 2018 and 24th August, 2018 (Exhibits M, N and O hereto);

..”

2. Learned Senior Counsel appearing for the applicant / Intervener invites our attention to the order dated 20.4.2018 passed by the Division Bench (Coram: B.R. Gavai & Smt. Bharati H. Dangre, JJ.) and order dated 29.6.2018 passed by another Division Bench (Coram: B.R. Gavai & Sarang V. Kotwal, JJ.) and the order passed by this Court on 24.8.2018. He submits that the applicant is an affected party and the aforesaid orders have been passed without hearing the applicant. He invites our attention to clause (3) of Article 226 of the Constitution of India, and also relying upon the averments in the application, submits that the aforesaid impugned orders may be recalled and may not to be acted upon any further.

3. On the other hand, Mr.Ketan Tirodkar, the petitioner appearing in person, submits that the applicant is not made party in the PIL or is in no way connected or related to the subject matter involved in the public interest litigation. He submits that the copy of the intervention application is served upon him yesterday i.e., on 4.9.2018, and he may be given some time to file reply to the intervention application.

4. We have heard the learned Counsel appearing for the respective parties. The PIL (Stamp) No.27 of 2017 is pending in this Court for about one year. The present intervention application has been filed by the applicant on 3.9.2018 in aforesaid PIL. In fact, the PIL was scheduled to be heard on 6.10.2018. However, since the learned Senior Counsel appearing for the applicant mentioned the intervention application on 3.9.2018 and insisted for hearing of the said application and accordingly, same is listed first time, for hearing on 5.9.2018 i.e., today. The non-applicant i.e., the original petitioner in the PIL, is lodged in Taloja jail in relation to some other matter and he is produced before this Court in other PILs, wherein he appears in person. Since the copy of the intervention application has been served upon the non-applicant,

i.e., the petitioner, on 4.9.2018 i.e., yesterday, we are inclined to give him one week's time so as to enable him to file reply. Since the intervention application is yet to be allowed, it may not be appropriate to accede to the prayer of the applicant to recall the aforesaid orders. The petitioner has already appeared before the authorities of the CBI, and the next date to appear before Respondent No.3 is scheduled on 7.9.2018. The learned Senior Counsel during the course of arguments insisted for postponing the said date. However, as already observed, the intervention application is not yet allowed, therefore, at present, we are not inclined to entertain the prayer of the applicant to postpone the date fixed i.e., on 7.9.2018 before the respondent No.3 for recording the further statement of the petitioner. However, we grant liberty to the parties to move this Court in case of any exigency.

5. List the matter on 25.9.2018. The petitioner be accordingly produced before this Court for hearing on the intervention application on 25.9.2018.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)