

ITEM NO.2

COURT NO.10

SECTION X

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

Miscellaneous Application No. 2227/2024 in W.P.(Crl.) No. 31/2020

(Arising out of impugned final judgment and order dated 18-10-2024 in W.P.(Crl.) No. No. 31/2020 passed by the Supreme Court Of India)

NOWHERA SHAIK & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.246190/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.246189/2024-MODIFICATION OF COURT ORDER and IA No.246235/2024-APPLICATION FOR PERMISSION)

Date : 04-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Nizam Pasha, Adv.
Mr. Lzafeer Ahmad BF, AOR

Mr. Sadashiv, AOR

For Respondent(s) Mr. Dushyant Dave, Sr. Adv.
Mr. Ranjay Kumar Dubey, AOR

Mr. Venkatesh, Adv.

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

- 1 We have heard Mr. Kapil Sibal, the learned senior counsel appearing for the petitioner/applicant, Mr. Venkatesh, the learned counsel appearing for the Enforcement Directorate and Mr. Dushyant Dave, the learned senior counsel appearing for the interveners.
- 2 This is a miscellaneous application filed by the petitioner/applicant in a matter which is already disposed of.

3 At the outset, a preliminary objection was raised by Mr. Dushyant Dave, the learned senior counsel, as regards the maintainability of the Miscellaneous Application. Mr. Dave may be right in contending that this miscellaneous application is as good as a review application which is otherwise not maintainable in law. However, we take notice of the fact that the petitioner has come forward with a proposal. The proposal is to the effect that she has three properties the description of which can be found in paragraph 4 of the Miscellaneous Application. It reads, thus :

- "(i) Naina Towers", H. No. 8-2-609, Road no. 11, Banjara Hills, Hyderabad, Telangana-500 034, fair market value of Rs. 90,09,33,240/- and Realizable value of Rs. 81,08,39,916/-. This Property is owned by Petitioner Nowhera Shaik. The Original of Sale Deed is with the Petitioner/ Applicant.
- (ii) Heera Foodex, Survey Nos.20/3/ AA/3/1 ,20/5/ AA/3/1 ,20/1,20/2,20/3,20/4,20/5 & 20/6, Hydershahkot (V), Gandipet (M), Ranga Reddy (D), Telangana-500 091 , fair market value of Rs. 120,64,66,730/- and realizable value of Rs. 109,58,20,057/-. The Original of Sale Deed is with the Petitioner/ Applicant.
- (iii) M/s. Heera Retail (Hyd) Pvt. Ltd., Open Slots in Town Survey Nos. 12,13,14 & 15/1, Block-M, Ward No. 13, Tolichowki, Shaikpet (M), Hyderabad, Telangana-500 008, which is around 33,060.15 Sq. Yards having fair market value as on 26.08.2024 of Rs. 753,77,14,200/- and realizable value of Rs. 678,39,42,780/-. The Original of Sale Deed is with the Petitioner/Applicant."

4 We enquired with Mr Sibal whether these three properties referred to in paragraph 4 of the application are free of all encumbrances. In other words, whether the petitioner is the lawful owner of these three properties as on today. Mr. Sibal would submit that he would have to take instructions in this regard.

- 5 In such circumstances referred to above, we request Mr Venkatesh, the learned counsel appearing for the Enforcement Directorate to undertake an enquiry as regards the status of the three properties referred to above. Mr Venkatesh submitted that it would take some time to enquire and file an appropriate report as regards the three properties.
- 6 For the present post this matter on 11th November, 2024 to enable Mr. Venkatesh to seek appropriate instructions in the matter.
- 7 We had granted two weeks time to the petitioner to surrender. The period expires today. For the limited purpose as aforesaid, we extend the time period to surrender upto 12th November, 2024.
- 8 We also direct the petitioner to file appropriate affidavit declaring the status of the three properties more particularly, whether they are free of all encumbrances or not.
- 9 We also direct the State of Telangana to undertake an enquiry and file a report as regards the status of the three properties referred to above. In other words, whether the petitioner is the lawful owner of the three properties and whether any encumbrances have been created on these properties or not.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR