

ITEM NO.16

COURT NO.7

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.(CrI.) No.31/2020

[Arising out of impugned final judgment and order dated 18-10-2024 in W.P.(CrI.) 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. 246235/2024 - APPLICATION FOR PERMISSION
 IA No. 259078/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 137145/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 17082/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 58027/2025 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 57904/2025 - CLARIFICATION/DIRECTION
 IA No. 133956/2025 - CLARIFICATION/DIRECTION
 IA No. 60602/2025 - CLARIFICATION/DIRECTION
 IA No. 246190/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 57893/2025 - EXTENSION OF TIME
 IA No. 251040/2025 - INTERVENTION APPLICATION
 IA No. 54756/2025 - INTERVENTION APPLICATION
 IA No. 136873/2025 - INTERVENTION APPLICATION
 IA No. 17340/2025 - INTERVENTION APPLICATION
 IA No. 133381/2025 - INTERVENTION APPLICATION
 IA No. 57985/2025 - INTERVENTION/IMPLEADMENT
 IA No. 246189/2024 - MODIFICATION OF COURT ORDER

WITH

Diary No(s). 51529/2025 (X)

IA No. 225830/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 08-04-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Arvind Kumar Sharma, AOR
 Mr. Sadashiv, AOR
 M/S. Vedy Partners Aor, AOR

Mr. Abdul Majid, Adv.
Mr. Ujjwal Bhardwaj, Adv.
Mr. Vishal Arun Mishra, AOR

For Respondent(s) : Mr. Mukesh Kumar Maroria, AOR
Mr. Amrish Kumar, AOR

Mr. Kumar Vaibhaw, Adv.
Ms. Devina Sehgal, AOR
Mr. Vineet George, Adv.

Mr. Suryaprakash V. raju, A.S.G.
Mr. Zoheb Hussain, Adv.
Mr. Kanu Agarwal, Adv.
Ms. Sairica Raju, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Yuvraj Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Anand Dilip Landge, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Keshav Singh, Adv.

Mr. Nishant Patil, A.A.G.
Ms. Patil Rekha Chandra Gouda, AOR
Mr. Jadhav Vishal, Adv.
Mr. Vishal M Vandaganoor, Adv.
Mr. Arijit Dey, Adv.

Mr. D. L. Chidananda, AOR

Mr. Narendra Pal Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Swati Vishan, Adv.

Mr. Anupam Kumar, Adv.
Mr. Raghavendra Pratap Singh, Adv.
Mr. Naresh Kumar, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Syed Mehdi Imam, AOR
Mr. Tabrez Ahmad, Adv.
Mr. Shaan Elahi Turkey, Adv.
Mr. Abdur Rahman Mallick, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Ramesh Kumar Mishra, AOR
Mr. Nitin Saluja, AOR

M/S. Varun Thakur & Associates, AOR
Mr. Varun Thakur, Adv.
Mr. Ramkaran, Adv.
Mr. Deepak Goel, Adv.
Tanuj Bagga Sharma, Adv.
Shraddha Saran, Adv.
Dr. M K Ravi, Adv.
Mr. S P Singh Chauhan, Adv.
Vishakha Singh Chauhan, Adv.
Mr. Ajay Kumar Singh Yadav, Adv.

Mr. Bhaskar Aditya , AOR
Mr. Abdulla Naseeh V.t., AOR

Mr. Pradeep Kumar Mathur, AOR
Mr. Chiranjeev Johri, Adv.

Mr. Shouryabrata Mandal, AOR
Ms. Purnima Singh Kamle, Adv.
Mr. T Vijaykumar Reddy, Adv.
Mr. Saurabh Bindal, Adv.
Ms. Aishwarya Chevaturi, Adv.
Mr. Pulkit Jain, Adv.
Mr. Surya Teja Peri, Adv.

Mr. Avinash Sharma, AOR

Mr. Anuj Prakaash, Adv.
Mr. Niraj Dubey, Adv.
Mr. Pradum Kumar, Adv.
Mr. Kumar Mihir, AOR

Mr. Ranjay Kumar Dubey, AOR

Mr. Avinash Sharma, AOR

Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Aakarshan Aditya, AOR
Mr. Tarurag Gaur, Adv.
Mr. Vibhu Tiwari, Adv.
Mr. Satish C Kaushik, Adv.
Ms. Tamanna Rohilla, Adv.

Mr. Md. Rashid Saeed, AOR
Mr. Mohd Vikharuddin, Adv.
Mr. Mohammed Khalid, Adv.

Mr. Sadineni Ravi Kumar, AOR

Mr. Mukesh Kumar, AOR
Mr. Gaurav Goel, AOR

Mr. Abhikalp Pratap Singh, AOR

Ms. Shreya Smriti, Adv.
Mr. Shane Ilahi Asif Alik Turk, Adv.
Mr. Taufeeq Ahmad, Adv.
Mr. Mohammad Azam, Adv.
Mr. Durgesh Ramchandra Gupta, AOR

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

1. Our order dated 18.10.2024 reads thus:-

"1 This Court passed the following order on 23rd August 2024 :

"1 We heard this matter for quite some time.

2 We have been able to understand the issues involved in this litigation. The distinct understating arrived at today is that the client of the learned senior counsel, Mr Ranjit Kumar has agreed to raise funds to the tune of Rs 580 crore by the next date of hearing.

3 There are many parcels of land owned by the company. The first thing we would like to have is a list of all those immovable properties free of all encumbrances and also those properties where some claims have been put forward.

4 We have also gone through few orders

passed by this Court over a period of time. It is very apparent that there is no progress worth the name in the matter. Therefore, today we have made ourselves very clear that failure on the part of the accused to raise the necessary finance may entail the following consequences:

(i) The petition filed under Article 32 of the Constitution for clubbing of all the FIRs may be liable to be dismissed;

(ii) The SFIO may be asked to proceed further in accordance with law;

(iii) The bail granted by this Court may be liable to be cancelled;

(iv) We may ask each State where the FIRs have been registered to investigate them in accordance with law; and

(v) We may also ask the Enforcement Directorate to proceed in accordance with law.

5 List the matters on 18 October 2024 and be treated as a part heard matter."

2 Thus, by our aforesaid order, we had made ourselves abundantly clear that if the respondent accused is unable to raise the amount to the tune of Rs. 580 crore, then we would dismiss the petition filed for clubbing of all the FIRs invoking Article 32 of the Constitution and the bail granted by this Court would also be liable to be cancelled.

3 Today, when the matter was taken up for hearing, the learned counsel appearing for the respondent-accused was not able to make any positive statement as regards the amount referred to aforesaid. There seems to be no progress in the matter.

4 In such circumstances, the Article 32 petition seeking clubbing of all the FIRs is hereby ordered to be dismissed.

5 The SFIO shall now proceed further in accordance with law.

6 The bail granted by this Court stands cancelled. We grant two weeks time to the respondent-accused to surrender before the authority concerned.

7 All the FIRs which have been registered in different States shall now be investigated in accordance with law.

8 We leave it open for the Enforcement Directorate

also to proceed further in accordance with law.

9 We clarify that the SFI0 shall investigate only offences relating to the Company Law. Rest of the offences shall be investigated by the Police authorities of the respective States.

10 The aforesaid order shall not come in the way of the respondent-accused, if she wants to apply for bail afresh in the event of some changed circumstances in future.

11 We are informed that some contempt proceedings are also pending. The same shall remain pending.

12 At this stage, Mr. S.V. Raju, the learned Additional Solicitor General appearing for the Enforcement Directorate submitted that an amount of Rs.49,20,600/- (Rupees forty nine lakh twenty thousand and six hundred only) is to be paid to the chartered accountant firm Sarath Associates towards professional fees. In the past, an amount of Rs.1,14,81,400 (Rupees one crore fourteen lakh, eighty one thousand and four hundred only) was paid to the said Chartered Accountant Firm for the services rendered between 17.2.2022 and 16.4.2023, i.e., approximately for a period of fourteen months. Mr. Raju pointed out that since April, 2023, there has been no further disbursement of the amount towards fees. The Firm has made a request to release the bill amount of Rs.49,20,600/- (Rupees forty nine lakh twenty five thousand and six hundred only) referred to above.

13 We permit the concerned authority of the Enforcement Directorate to withdraw the amount of Rs.49,20,600/- from the deposit account. In the aforesaid regard, the following statement would make the picture more clear :

CA Firm Sarath Associates paid Professional Fee @ Rs.6.95 lakhs+GST 18% totaling to Rs.8,20,100 per month	Paid for 14 months from 17.02.2022 to 16.04.2023 = 14 x Rs.8,20,100 = Rs.1,14,81,400/- No Fee paid since April, 2023. Request to release payment of Rs.49,20,600/- .
Cost reimbursed for publication of advertisement all over	Rs.24,51,910

<i>India inviting claims of Heera Group</i>	
<i>Cost towards Photostat charges of reported and reimbursed so far --- Further photo stating of claims under progress. Copies of 7298 claims were provided to the petitioner on her request. Another 3100 photostat copies of claims are ready delivery. Petitioner has been duly informed and She yet to take delivery of the same. On completion of work, additional cost to be reimbursed to be submitted.</i>	<i>Rs.2,24,908</i>
<i>Cost of Paper reported and reimbursed so far</i>	<i>Rs.1,40,965</i>
<i>Total</i>	<i>Rs.1,42,99,193</i>
<i>Balance available in the deposit account</i>	<i>Rs.4.57 Cr approx."</i>

14 With the aforesaid, all the captioned petitions/appeals stand dismissed.

15 Pending applications, if any, stand disposed of."

2. By our aforesaid order, we had declined to club the FIRs lodged against the present petitioner in exercise of our jurisdiction under Article 32 of the Constitution and at the same time, we also proceeded to cancel the bail. We had directed that the SFIO shall proceed further in accordance with law.

3. We had granted two weeks' time to the petitioner-accused to surrender before the authority concerned. We had also directed the

Enforcement Directorate to proceed further, in accordance with law.

4. All States were directed to proceed with the investigation of the different FIRs.

5. After the order referred to above came to be passed, the petitioner preferred a Miscellaneous Application No.2227/2024 in the main Writ Petition.

6. On 04.11.2024, this Court passed the following order in the said Miscellaneous Application:-

"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 affidvit 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.

7. Thus, although we had ordered that the bail stands cancelled, yet having regard to the subsequent developments, we extended the time period to surrender. This order has continued till this period of time.

8. We heard the learned counsel appearing for the parties.

9. It appears that the petitioner is not cooperating. She has not cooperated with the ED insofar as execution of the sale deeds are concerned.

10. Many properties were attached and put to auction.

11. Today, although the ED has received the sale consideration from all those auction purchasers, yet the ED is unable to get the sale deeds executed through the petitioner-accused in favour of the auction purchasers.

12. We are informed that in all, sixteen sale deeds are to be executed.

13. The petitioner is personally present in the Court today along with her counsel. She has many grievances to redress. We do not propose to go into any other controversy.

14. As observed earlier, this is a case of a large-scale fraud where thousands of investors have been duped. The fraud is of thousands of crore.

15. In such circumstances referred to above, we are left with no other option but to direct the petitioner-accused to surrender before the jail authorities within a period of one week from today, failing which, a non-bailable warrant shall be issued for her arrest.

16. Once the petitioner surrenders, the counsel may inform the ED that the petitioner is ready and willing to execute the sale deeds, if at all she is willing.

17. If the petitioner expresses her willingness to execute the sale deeds, then for that purpose, the petitioner may be

escorted to the office of the Sub-Registrar for the purpose of execution of the sale deeds.

18. Once all sixteen sale deeds and other formalities are completed, it shall be open, thereafter, for the petitioner to once again come before us and pray for bail.

19. If the sale deeds are not executed within a period of two months from today, then we shall ask the Registrar of the Supreme Court to execute the sale deeds.

20. List after two months.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)