

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL PIL \_\_\_\_\_ OF 2017

[Under Art. 226 of the Constitution of India]

Ketan K. Tirodkar ---- **Petitioner**

Versus

Enforcement Directorate. --- **Respondents**

&anr

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**SYNOPSIS**

<b><u>DATE</u></b>	<b><u>EVENTS</u></b>
<b><u>10/01/17</u></b>	<p>ED registers Preliminary Enquiry into the suspected money-laundering activities of Avighna Group and Narayan Rane-family concerns.</p> <p>Statements recording process takes off and Chief of Avighna Group Mr. Kailash Agarwal is interviewed by the ED officials.</p> <p>Documents of over 50 companies collected by ED and a prima-facie conclusion reached that Agarwal</p>

and Rane have laundered hundreds of crores of rupees via tax heavens in Mauritius & Singapore. Also, Rane has laundered huge money through a game of share-allotment and buy-back using shell companies that are either non-existent or existing without any business activity.

Political equations change compelling arch-rivals to share a bed and like CBI; ED too is reduced to status of a **“caged-parrot”**. The agency is “directed” not to proceed in the matter as Narayan Rane is slated to join the Maharashtra Cabinet.

Judicial Intervention becomes the need of the hour as Executive lacks the **“Liberty to Act”** despite having potential and willingness.

Hence this petition.

### **ACTS TO BE CONSIDERED**

CONSTITUTION OF INDIA

CODE OF CRIMINAL PROCEDURE

**POINTS TO BE URGED**

AS MENTIONED IN THE MEMO

**AUTHORITIES TO BE CITED**

AT THE TIME OF HEARING

MUMBAI

**06/10/2017**

SIGNATURE

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[Under Art. 226 of the Constitution of India]

Ketan K. Tirodkar ---- **Petitioner**

402, Vasant Kunj,

Dr. Ambedkar Road,

Dadar east, Mumbai-14

Versus

**1]** Enforcement Directorate

Via Jt. Director, ED House,

Ballard Pier, Mumbai—400001

**2]** State of Maharashtra --- **Respondents**

Via Addl. Chief Secy. Home

Mantralay, Mumbai-32.

IN THE MATTER OF  
directions to the ED to resume  
the probe into money-  
laundering operations of  
Avighna Group and Neelam  
Hotels.

**MOST RESPECTFULLY SHEWETH**

1] I am a citizen of India working for public interest causes such as exposing land grab operations by High Court Judges & Class I officers.

2] I learnt from my sources in the last week of September this year that Enforcement Directorate [ED]; probing into a case of money-laundering operations by Avighna Group owner Mr. Kailash Agarwal & Neelam Hotels Pvt. Ltd. founder Mr. Narayan Rane; was “directed” by the Union Finance Ministry to stop the probe.

The ED had registered a Preliminary Enquiry into the money-laundering operations in January 2017 and had collected documents of various companies floated by Mr. Kailash Agarwal and Mr. Narayan Rane.

The agency also had interviewed Mr. Agarwal and had reached the prima-facie conclusion that case prevailed for registering First Information Report.

3] Just then Mr. Narayan Rane; former Chief Minister of Maharashtra changed his political affiliations and the ED got “orders” to stop the probe.

The documents gathered by the agency include following :-

**I]** **Document 00008** titled Neelam Hotel balancesheet reflects office address as 208, Shrikant Chambers, Chembur, Mumbai. This address is a vacant room used as address for many private limited companies. [Annexed Exhibit **“A” page 11**].

**II]** This document further lists out companies from whom the Neelam Hotels has taken long-term borrowings in the year 2015. These companies include among others; Zimith Properties Pvt. Ltd. having lent Rs. 7 crores 34 lakhs to Neelam Hotels.

This company Zimith Properties Pvt. Ltd. is registered at a fictitious address which is GANGA WADI, AGRA ROAD, SHOPNO-5 LBS MARG, OPP GANESH PAN- BINDI SHOP, GHATKOPAR (W), MUMBAI 400086.

**III]** Another company in the list Galore Suppliers Pvt. Ltd. is registered at an address in Kolkata which is a rented address for shell companies to facilitate money-laundering. There is no business activity or office business conducted by any such company from this address. It is BALAJI POINT, PREMISES NO.183, C.I.T ROAD PHOOLBAGAN, KANKURGACHI, KOLKATA WB 700054.

**IV]** Deserve Exim Pvt. Ltd. is owned by a history-sheeter Dawood gang criminal Santosh Sarda who was once on the list of Look-out-cell at international airports. He was deported from Dubai. This company is shown to have given Rs. 6 crore 50 lakhs to Neelam Hotels on long-term basis. In reality it is the funds of Mr. Narayan Rane routed via Deserve Exim back to his own company.

**VI]** Same is the case with Pilot Construction Pvt. Ltd. & Sahana Builder and Developers Pvt. Ltd. These two companies are owned by cricket betting agent and owner of Deepa Dance Bar; named Sudhkakar Shetty. Deepa bar shot to limelight when international cricketers visited it for a dancer named Tarnnum some years ago.

These two companies have lent Rs. 9 crores between them to Neelam Hotels. In reality these funds too are routed by Mr. Rane back to himself.

**VII]** Another company in the list; Nitesh Realities Pvt. Ltd. is a family concern of the Rane family and so are two more in the list; Superline Constructions and Superview Properties. These three family firms have lent Rs. 10 lakhs, Rs. 18, 43, 25, 000 and Rs. 50 lakhs respectively to the Neelam Hotels Pvt. Ltd. This is again Rane family's own funds that have flown back to them.

**VIII]** Another **Document 00402 Annual Returns Year 2003-2004** [Exhibit "**A**" page 13\_\_] reflects Future Securities Ltd.



as a shareholder holding 10,000 shares. The company is found to be fictitious as also the address given is fake.

**VIII] Document 00125** [Exhibit **“A”** page 14\_\_\_\_] reflects Unsecured Loan of Rs. 29,22,89,596. The source of these funds is mysterious.

**IX] Document 00020** [Exhibit **“A”** page 15\_\_\_\_ ] reflects long-term borrowing of Rs. 779,874,663.51. The mystery prevails as to the origin of these funds.

**X] Document 00021** [Exhibit **“A”** page 16\_\_\_\_] reflects Unsecured Borrowings from multiple companies in the year 2013.

Here again Zimith Properties Pvt. Ltd. is shown to have granted Rs. 6 crores 34 lakhs to Neelam Hotels. This company as stated earlier is a fictitious one.

Other companies such as Nitesh Realities, Superline Construction, Superview Properties are the family firms of the Ranesh used as conduit for routing back the tainted funds.

The others in the list such as Diam-O-Jewels, Vanshi Trading, Triveni Sangam have had no business activity with Neelam Hotels and have nothing to do whatsoever with the company.

So is the case with Anil Fianture and Anil Shares & Stock. These two companies are flying birds.

**4] Document 00350** [Exhibit **“A”** page 17\_\_\_\_] reflects allotment of shares to various companies in diamond market.

Such as Alka Diamond Industries Ltd is allotted 1 lakh shares. The address 233, Panchratna, Opera House, Mumbai-4 is fake. There is no such company at the given address.

There is a similar named company at 626, Panchratna which was debarred by National Stock Exchange from trading alongwith a bunch of other companies in year 2012 for malpractices. In fact all the companies listed at 626, Panchratna have been debarred by the NSE from trading stocks.

Others in the document such as JPK Trading (I), Kush Hindustan Entertainment, Javda India Impex, Lexus Infotech, Ostwal Trading India, New Planet Trading were debarred from trading and have had no activity with Neelam Hotels on record. These companies are known to have been providing route for tainted funds for the purpose of laundering.

**5] Document 00202** [Exhibit "**A**" page 19\_\_\_\_\_] reflects allotment of shares to fake companies on 31<sup>st</sup> March 2009. For e.g. **Kim Electronics Industries Ltd** was allotted 2 lakh shares. The owner of the company is not aware of any such allotment.

**6]** The agency has also discovered that Avighna India Ltd that has constructed Avighna Towers at Kala Choukie in South Mumbai; received Rs. 300 crores from Rane family firms via Mauritius based shell companies by virtue of inflated cost of shares of various private limited companies floated by Mr. Narayan Rane.

It has been a regular modus-operandi of the political executives across the party-lines to initiate criminal investigations against inconvenient political leaders and then sabotage the same when the targeted leaders enter into a “Marriage of Convenience”. We have seen it happening in Adarsh scam wherein leaders across the party-lines are involved while only a couple of bureaucrats have seen the jail doors. CBI that had applied in the High Court for deleting former CM Ashok Chavan from the proceedings; later found additional documents to seek Governor’s sanction to prosecute him that was earlier rejected.

The irrigation scam investigations have vapoured into the gimmicks of numbers in the Maharashtra Assembly wherein the ruling BJP has no majority and has to pamper the scamsters’ party for buffer support in the event alliance partner Shiv Sena withdraws support.

Rane is the latest and most classic example in the game of using “caged parrots” such as CBI, ED & likes for running the government.

7] We the People get notice from BMC for criticising the manholes in the city. But those with political utility [nuisance value?] get off the hook swiftly by changing the political ideologue like bedsheets even after swindling the economy for crores of rupees.

Judiciary has remained the only solace for the system as the Lawmakers & Executive have turned out to be more dangerous

than ISI agents. We can predict Pakistan-based ISI and at times also depend upon them. But these moles in the system are absolutely unpredictable and undependable.

I have not filed any petition in this matter in any Court in India.

**8] Therefore following prayers:---**

**A]** Respondent 1, Jt. Director; Enforcement Directorate, Mumbai, be directed to file a status report of the enquiries conducted into the money-laundering activities of Mr. Kailash Agarwal-led Avigna Group and Mr. Narayan Rane-led web of companies.

**B]** This Hon'ble Court may be pleased to direct the Respondent 1 to resume the probe and file final report of investigations in the concerned trial court within reasonable time.

**C]** Any other such relief;

**Mumbai**

06/10/17

SIGNATURE

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Versus

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**VERIFICATION**

I, Ketan K. Tirodkar; do hereby solemnly affirm that I have myself prepared this petition with full understanding of the matter in paras 1 to 7 and have myself prepared the prayers with full understanding in para 8.

Place:--Mumbai

Date:--06/10/17

SIGNATURE

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**AFFIDAVIT**

I; Ketan K. Tirodkar; aged 52 years; r/o 402, Vasant Kunj, Dr. Ambedkar Road, Dadar east-- Mumbai- 14: do hereby solemnly affirm that I am filing this PIL in public interest and I have no personal interest in this matter.

I say that I have no fixed or regular source of income and I take donations, help from friends for furthering public interest causes via RTI Act & petitions. I also take reasonable amount of honorariums from public who come for advice against the injustice caused by legal professionals; like advocates; especially Senior Counsels & Judges of High Court and by Class I bureaucrats & politicians.

I am committed to the face the penalty; if any imposed by this Hon'ble Court in the event of my contentions being found incorrect or false; provided the hearing of my petition is conducted by a bench comprising of such honest Judges whose members or their fathers have grabbed any plot or flat for their personal use from the government at concessional rates.

Mumbai

06/10/17

SIGNATURE