

CC No.67/20  
Enforcement Directorate Vs. M/s  
Raja Aederi Consultants Pvt. Ltd.  
& Ors.

06.12.2024

Present : Ld. Special Public Prosecutor Sh. Shailesh N. Pathak (**through VC**) and Sh. Varun Kushwaha, Enforcement Officer, for ED.

The matter is pending for order on the point of cognizance.

ORDER

The facts in brief are that an Expression of Interest (EOI) was invited by NDMC through Sh. R.S. Thakur (Project Leader), vide an advertisement in the newspaper, for upgrading and renovating the Talkatora Stadium and Shivaji Stadium, because the said Stadiums were also selected as venues for few sports events for XIX Commonwealth Games, to be held from 3<sup>rd</sup> to 14<sup>th</sup> October, 2010, in New Delhi.

For getting the aforesaid tender, the accused company M/s Raja Aederi Consultants Pvt. Ltd. (M/s RACPL for short), submitted two separate applications dated 08.05.2006, to Sh. V.K. Gulati, the then Executive Engineer, New Delhi. In both the applications, M/s RACPL falsely claimed to have completed 18 projects including the stadium projects with one company called M/s Sterling Engineering and also falsely claimed this company to be a Consortium partner, however, no document in

this regard were found enclosed with the applications. When the bids were opened, only two bidders M/s RACPL and M/s Kothari were found eligible. M/s RACPL was shown eligible based on its experience of designing the National Sports Club of India (NSCI), Worli, Mumbai, however, the said information given by M/s RACPL was found to be false as the NSCI project was not completed at that time and its completion certificate was issued only in May, 2012. Further, the documents of M/s Sterling Engineering were used by accused no.3 Uday Bhat on behalf of M/s RACPL, without the consent of owner of that company.

Thereafter, when financial bids were opened on 23.06.2006, M/s RACPL got higher points based on lower financial bids for each Stadium and therefore, it was appointed as an architect consultant to NDMC, for both the stadiums. Two separate agreements were executed between NDMC and M/s RACPL on 16.10.2006. Though the turn over and experience of M/s Sterling Engineering was used by M/s RACPL in the bidding documents, but M/s Sterling Engineering was not made party to the above agreements nor it did any work for these two stadiums. The scope of the work in both the stadiums were later enhanced and the additional work was also provided to M/s RACPL. The accused M/s RACPL got the design work done by outsourcing, which was against the conditions of NITs for both the stadiums.

When CBI received an information about the criminal conspiracy and misconduct by public servant, it registered an FIR dated 09.03.2011 for offences punishable u/s

120-B IPC and 13(2) r/w Sec. 13(1)(d) of PC Act . Charge sheet was filed by the CBI in the aforesaid FIR on 28.09.2012. Charges were framed against the accused persons and later on, the Ld. Trial Court vide its judgment dated 08.05.2017 convicted three accused persons, namely, Raja Aederi, Uday Shankar Bhatt and M/s RACPL, for the offences punishable u/s 420 IPC & Section 120-B IPC r/w 420 IPC. The accused public servants namely, R.S. Thakur and V.K. Gulati were however, acquitted as the prosecution failed to prove that they were aware about the fraud committed by M/s RACPL.

It is further stated that since the predicate offences/scheduled offences committed by the accused persons, stand proved vide the above judgment of Ld. Trial Court, therefore, it was clear that any money or proceeds generated from the aforesaid tender work allotted to M/s RACPL, would come under the purview of the term “proceeds of crime” as defined u/s 2(1)(u) of PMLA, 2002. All the amounts paid to accused company or still payable to the accused, towards the said tender work, were proceeds of crime.

It is further stated that the contract amount for tender of both the stadiums was for Rs.5.25 Crores and the amount of proceeds of crime, acquired, possessed and used by the accused persons till date, was Rs.3,85,77,321/- ( net amount payable, out of the gross amount of Rs.4,30,75,910/-). The balance amount of proceeds of crime was Rs.94,24,090/- as per the letter dated 17.06.2019, of NDMC, which was not yet released to the accused company. Thereafter, ED proceeded to attach properties worth Rs.1,30,84,994/- i.e. balance tender amount of Rs.94,24,090/-

which was lying deposited in the bank account with NDMC and immovable property worth Rs.36,60,904/-, through provisional attachment orders.

Accordingly, it is prayed through this complaint that in view of oral as well as documentary and circumstantial evidence, it was clear that the accused persons namely, M/s RACPL, Raja Aederi (Director of M/s RACPL) and Uday Shanker Bhat (Executive Director of M/s RACPL) had committed offence of Money Laundering as defined u/s 3 of PMLA, which was punishable u/s 4 of PMLA and so, the accused persons be summoned after taking cognizance of the complaint, to face trial and to confiscate the properties involved in money laundering as per Section 8(5) of PMLA.

Perusal of record shows that initially, this prosecution complaint u/S 44 & 45 of PMLA for commission of offence as aforesaid, was filed on 02.11.2020 and was assigned to the Ld. Predecessor of this court. Thereafter vide order dated 23.12.2021, the Ld. Predecessor opined that this court was not having jurisdiction to try the present case in view of Section 201 CrPC and directed the return of complaint as per Section 201 CrPC r/w Section 65 of PMLA, for presenting it afresh before proper court. However, the said order of Ld. Predecessor was set aside by Hon'ble Delhi High Court vide its order dated 30.07.2024 in CrI. M.C. No.5849/22 and it was opined that there was no earmarked territorial jurisdiction of the Special Courts under PC Act, which were functioning in Rouse Avenue District Courts and sent the case back to the Ld. Principal District & Sessions Judge cum Special Judge, CBI (PC Act), RACC, for

assigning it to any Special Judge. Thereafter, this matter was again assigned to this court by Ld. Principal District & Sessions Judge cum Special Judge, CBI (PC Act), RACC vide her order dated 08.08.2024.

I have heard the submissions on the part of ED at length. Written submissions were also filed on behalf of ED, in view of the clarifications sought by this court and the same are also perused.

It is stated that the offence of money laundering was committed by accused persons from 26.10.2006 onwards, when the part payment towards the tender amount was firstly received in the bank account of M/s RACPL. Investigations revealed that the amounts transferred in the bank account of M/s RACPL towards the tender work, were debited to various individuals in smaller proportions. Cash withdrawals were also made, as reflected from the bank account statement of M/s RACPL, which was obtained by ED. Further, the attachment of the cash lying in the account of NDMC was made as there was reason to believe that if the said amount was not attached immediately, it may be released to the accused as there was no dispute between NDMC and M/s RACPL regarding the balance payment to be made to the accused company, as per letter dated 14.06.2019 and 17.06.2019 of NDMC. The statement of accused no.3 Uday Shanker Bhat u/s 50 of PMLA also disclosed that the accused company had been issuing several reminders to NDMC for release of the aforesaid amount.

Having carefully perused the record as well as after considering the submissions made on behalf of ED (both oral as

well as written), I am satisfied that prima facie, there are sufficient material on record to proceed against the accused persons for commission of the offence of Money Laundering.

Accordingly, I take cognizance of the complaint filed by ED.

Let the accused persons namely, M/s RACPL, Raja Aederi (Director of M/s RACPL) and Uday Shanker Bhat (Executive Director of M/s RACPL) be summoned for commission of offence punishable u/s 4 of PMLA, through IO of ED.

Be put up on **29.01.2025**.

(Atul Krishna Agrawal)  
Special Judge, CBI-19 (PC Act)  
RADC/New Delhi/06.12.2024