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To,
The Hon'ble Chief Justice of India,
Supreme Court of India,
New Delhi.

3.03.2017

Subject: Constitution of 'in-house enquiry' for initiating appropriate action against Justice Hemant Gupta, Acting Chief Justice (ACJ) of the Patna High Court, for the alleged cases of 'disproportionate assets' and 'misbehavior'.

Dear Chief Justice,

The present complaint is directed against a sitting judge of the High Court, namely Justice Hemant Gupta who was elevated as an Additional Judge of the Punjab & Haryana High Court on 02.07.2002. He was transferred to the Patna High Court on 08.02.2016 and took over the charge of Acting Chief Justice of Patna High Court on 29.10.2016. He has been reportedly proposed by the Supreme Court collegium to become the Chief Justice of the High Court of Madhya Pradesh.

It is submitted that there are serious allegations against Justice Hemant Gupta of amassing huge wealth disproportionate to the known source of income and also of influencing the ongoing investigations against his wife for the charges of money laundering, acquiring properties illegally by creating forged/ sham agreement to sale, evading stamp duty, filing collusive suits for specific performance, transacting through shell companies for layering and structuring the transactions etc. The common modus operandi in all the acquisition, as it appears from the investigation carried by the Enforcement Directorate, is that the property dealings were made only on the basis of agreement to sale/ general power of attorney/ special power of attorney, without paying adequate amount of sale consideration, stamp duty, registration charges, income tax, capital

gains, unearned profits to the government. It also appears that parties evaded stamp duty of the market price and collector rate by getting orders from various courts. Parties created back dated agreements at the lower price below the collector rate and then file a civil suit by creating false dispute in the civil court for specific performance of agreement to sale. ED investigation further reveals that in conspiracy of parties, the civil suit is taken to Lok Adalat and compromise is made before the Lok Adalat and decree is procured by manipulating the Lok Adalat. After getting decree from Lok Adalat, sub-registrar is directed to execute sale deed at much lower price privately agreed between the parties.

Therefore, we are approaching you for constitution of “in-house enquiry committee” to verify the charges leveled against Justice Hemant Gupta and also to initiate appropriate action against the judge named.

The Hon’ble Supreme Court has laid down the “*in-house procedure*”, for taking suitable remedial action against judges, who by their acts of omission or commission, do not follow the accepted values of judicial life, including the ideals expressed by the Supreme Court in the Restatement of Values of Judicial Life. The “in-house procedure”, as determined with reference to Judges of the High Court, is accordingly being reproduced hereunder:

“HIGH COURT JUDGE:

A complaint against a Judge of a High court is received either by the Chief justice of that High Court or by the Chief Justice of India (CJI). Sometimes such a complaint is made to the President of India. The complaints that are received by the President of India are generally forwarded to the CJI.

The Committee suggests the following procedure for dealing with such complaints:-

(1) Where the complaint is received against a Judge of a High Court by the Chief Justice of that High Court, he shall examine it. If it is found by him that it is frivolous or directly related to the merits of a substantive decision in a judicial matter or does not involve any serious complaint of misconduct or impropriety, he shall file the complaint and inform the CJI accordingly. If it is found by him that the complaint is of a serious nature involving misconduct or impropriety, he shall ask for the response thereto of the Judge

concerned. If on a consideration of the allegations in the complaint in the light of the response of the Judge concerned, the Chief Justice of the High Court is satisfied that no further action is necessary he shall file complaint and inform the CJI accordingly. If the Chief Justice of the High Court is of the opinion that the allegations contained in the complaint need a deeper probe, he shall forward to the CJI the complaint and the response of the Judge concerned along with his comments.

(2) *When the complaint is received by the CJI directly or it is forwarded to him by the President of India the CJI will examine it. If it is found by him that it is either frivolous or directly related to the merits of a substantive decision in a judicial matter or does not involve any serious complaint of misconduct or impropriety, he shall file it. In other cases the complaint shall be sent by the CJI to the Chief Justice of the concerned High court for his comments. On the receipt of the complaint from CJI the Chief Justice of the concerned High court shall ask for the response of the judge concerned. If on a consideration of the allegations in the complaint in the light of the response of the Judge concerned the Chief justice of the High Court is satisfied that no further action is necessary or if he is of the opinion that the allegations contained in the complaint need a deeper probe, he shall return the complaint to the CJI along with a statement of the response of the Judge concerned and his comments.*

(3) After considering the complaint in the light of the response of the judge concerned and the comments of the Chief justice of the high court, the CJI, *if he is of the opinion that a deeper probe is required into the allegations contained in the complaint, shall constitute a three member Committee consisting of two Chief justices of High Courts other than the High Court to which the Judge belongs and one High Court Judge. The said Committee shall hold an inquiry into the allegations contained in the complaint. The inquiry shall be in the nature of a fact finding inquiry wherein the Judge concerned would be entitled to appear and have his say. But it would not be a formal judicial inquiry involving the examination and cross-examination of witnesses and representation by lawyers.*

(4) For conducting the inquiry the Committee shall devise its own procedure consistent with the principles of natural justice.

(5) (i) After such inquiry the Committee may conclude and report to the CJI that:

(a) there is no substance in the allegations contained in the complaint, or

(b) there is sufficient substance in the allegations contained in the complaint and the misconduct disclosed is so serious that it calls for initiation of proceedings for removal of the Judge, or

(c) there is substance in the allegations contained in the complaint but the misconduct disclosed is not of such a serious nature as to call for initiation of proceedings for removal of the Judge.

(ii) A copy of the Report shall be furnished to the judge concerned by the Committee.

(6) In a case where the Committee finds that there is no substance in the allegations contained in the complaint, the complaint shall be filed by the CJI.

(7) *If the Committee finds that there is substance in the allegations contained in the complaint and misconduct disclosed in the allegations is such that it calls for initiation of proceedings for removal of the Judge, the CJI shall adopt the following course:-*

(i) the Judge concerned should be advised to resign his office or seek voluntary retirement;

(ii) In a case the judge expresses his unwillingness to resign or seek voluntary retirement, the chief justice of the concerned High Court should be advised by the CJI not to allocate any judicial work to the judge concerned and the President of India and the Prime Minister shall be intimated that this has been done because allegations against the Judge had been found by the Committee to be so serious as to warrant the initiation of proceedings for removal and the copy of the report of the Committee may be enclosed.

(8) If the Committee finds that there is substance in the allegations but the misconduct disclosed is not so serious as to call for initiation of proceedings for removal of the judge, the CJI shall call the Judge concerned and advise him accordingly and may also direct that the report of the Committee be placed on record.”

The charges leveled against Justice Hemant Gupta are as follows;

- I.** That Justice Hemant Gupta through his wife namely Alka Gupta and advocate Mukesh Mittal (prime accused in Chandigarh money laundering case) laundered crores of ill gotten wealth and amassed several properties illegally.
- II.** That Justice Hemant Gupta possesses wealth disproportionate to his known sources of income.
- III.** That Justice Hemant Gupta tried to influence/ jeopardize the ongoing investigation by the Enforcement Directorate where his wife Alka Gupta, is one of the suspects, and properties acquired by Justice Hemant Gupta are under scanner of the Enforcement Directorate.

EXPLANATORY NOTE ON EACH CHARGE:

CHARGE I:

That Justice Hemant Gupta through his wife namely Alka Gupta and advocate Mukesh Mittal (prime accused in Chandigarh money laundering case) laundered crores of ill gotten wealth and amassed several properties illegally.

It would be relevant to mention that the Enforcement Directorate registered a FIR No. 04/2009; dated 22.07.2009, registered at PS- UT Vigilance, Chandigarh against four accused initially. *The allegation as*

mentioned above pertains to money laundering, acquiring properties illegally by creating forged/ sham agreement to sale, evading stamp duty, filing collusive suits for specific performance, transacting through shell companies for layering and structuring the transactions etc. During the course of investigation, ED suspected names of several others, including Mukesh Mittal, Alka Gupta and also the involvement of Justice Hemant Gupta in abusing his official position, amassing huge wealth unknown to his source of income. Pursuant to the said FIR, search and seizures were conducted on several premises of Mukesh Mittal where (as per the ED's report) the Enforcement Directorate recovered several pieces of incriminating evidence suggesting a gross case of money laundering etc. Several other FIRs have been registered by the ED and all the FIRs have been clubbed and investigation is under process.

At the outset, it is submitted that all the properties shown under the assets declaration dated 24.04.2012 filed by Justice Hemant Gupta are under investigation by the Enforcement Directorate and the wife of Justice Hemant Gupta, namely Alka Gupta, his close aide Mukesh Mittal and Alka Mittal, wife of Mukesh Mittal are named as suspected beneficial owners as per the Prevention of Money Laundering Act, 2002. A copy of the report by the Enforcement Directorate in reference to letter number F No. T-3/1/CHD/2016 dated 03.05.2016 and letter dated 08.04.2016 by the Registrar General, Patna High Court annexed and marked as **Annexure-A (Pages)**. A copy of the investigation report by the Enforcement Directorate, dated nil, regarding role of Alka Gupta, wife of Justice Hemant Gupta is annexed and marked as **Annexure-B (Pages)**.

The properties mentioned below, their mode of acquisition and reports of the ED would prima facie indicate the involvement of the Judge and his wife in the aforementioned cases.

(i) Shop No. 26, Sector 18, Chandigarh:

In the assets declaration filed by Justice Hemant Gupta the said property is shown as belonging to his wife Alka Gupta, and his mother Bimla Gupta, *since 11.4.1996*. His son, Prateek Gupta, became owner of one half share of the said shop as heir of Bimla Gupta. A copy of the assets declaration of Justice Hemant Gupta dated 24.04.2012 is annexed and marked as **Annexure-C (Pages)**.

Facts of the case:

On March 1, 1989, the Shop No. 26, Sector 18, Chandigarh was allotted to Jaiswal brothers by the Chandigarh Administration on lease for Rs. 4.80 lakh over which a shop was constructed by Jaiswal brothers. They raised construction of the shop during the period from 1989 to 1993. On 26.08.1992, the said lease was cancelled on account of non payment of balance 75% of the premium. On 22.04.1994, Alka Mittal, wife of Mukesh Mittal and Dulari Mittal, mother of Mukesh Mittal purportedly formed a company in the name of "*RMC Printers Private Limited*". The company is shown to be registered at *House number 211, Sector 18, Chandigarh*, the ancestral residential property of Hemant Gupta (also mentioned in the asset declaration of the judge as residential house of the judge). A copy of the registration certificate of RMC Printers Private Limited dated 22.04.1994 and a copy of the annual return of RMC Printers Private Limited for the year 2004 and 2005 is annexed and marked as **Annexure-D (Pages)**.

On 22.11.1994 the said lease was restored by the competent authority. The lessee had to pay around 9.31 lakhs as penalty for delayed payment of 75% of the premium amount. On 25.03.1996 lease deed was executed by the Estate Office, Chandigarh in favour of Jaiswal brothers. On 11.04.1996 Jaiswal brothers executed transfer of lease rights in favour of RMC Printers. On the very same day, purportedly an agreement to sell dated 11.04.1996 was executed between RMC Printers in favour of Alka Gupta & Bimla Gupta. The very next date, i.e. on 12.04.1996; purportedly a rent agreement was executed between Alka Gupta & Bimla Gupta and Justice Hemant Gupta (as having special power of attorney on behalf of RMC Printers). The said property appears to have been given on rent to one Sanjay Puri and Manish Puri for Rs 11,000/- per month. A copy of the agreement to sale dated 11.04.1996 is annexed and marked as **Annexure-E (Pages)**.

It is important to mention that on 18.05.1998 and 28.06.1998, Alka Gupta and Bimla Gupta took over RMC Printers as directors, respectively. On **June 6, 2005**; Alka Gupta and Bimla Gupta, the wife and mother of Justice Hemant Gupta respectively, filed a civil suit for specific performance of contract against RMC Printers (in which they

were directors at the relevant time) submitting before the court that the company had agreed to sell shop number 26, sector 18, Chandigarh to them by way of an agreement to sell dated 11.04.1996. It is interesting to note that Alka Mittal (wife of Mukesh Mittal) appeared in the said civil suit as a party defendant, representing RMC Printers, and misled the court, saying that the company had entered into a compromise with the Plaintiffs, namely Alka Gupta and Bimla Gupta, and the said shop would be transferred to them as per the terms of the agreement dated 11.04.1996. That Justice Hemant Gupta apparently using his official position influenced the presiding officer of the court and the Lok Adalat, in settling the matter in a quick span of three days which was done vide an order dated 10.06.2005. Following the orders of the Lok Adalat, the transfer deed was registered on 11.01.2007 without obtaining NOC from the Estate Office, Chandigarh. The Sub Divisional Magistrate vide an order dated 24.07.2007 directed release of the transfer of lease deed without charging deficit stamp fee. A copy of the order dated 10.06.2005 by the Permanent Lok Adalat, Chandigarh is annexed and marked as **Annexure-F (Pages)**. A copy of the deed of transfer dated 11.01.2007 is annexed and marked as **Annexure-G (Pages)**. A copy of the order dated 24.07.2007 by the Sub Divisional Magistrate, Chandigarh is annexed and marked as **Annexure-H (Pages)**.

The manner of acquisition of the said property seems dubious on account of the following:

- a.** A bare perusal of the agreement dated 11.04.1996, which was entered into between RMC Printers Pvt. Ltd. and the mother and wife of the Judge, would show that it is unattested and hence its genuineness could not be verified. It bears serial number of cheques, dated 12.04.1996 and thus seems to be antedated and forged. Justice Hemant Gupta has attested the said agreement as first witness (bearing his residential house just below his signature). The signature of Bimla Gupta (mother of Justice Hemant Gupta) also appears to be forged since it does not match with her signatures on other documents including the government records.
- b.** The total sale price was fixed for Rs 4,95,000/- which seems to be highly improbable as the lessee itself got the property at around 11 lakhs (after payment of 25% of Rs 4.80 lakhs and further payment of

Rs. 9.31 lakhs as delayed payment). It remains unexplained why a person would transfer his leasehold rights at a throwaway price when the price of the property had increased manifolds (in crores). It is also not clear how and why and at what price Jaiswal Brothers transferred this property to RMC Printers.

c. As per the agreement, last date for final payment was 31.12.1996. It is pertinent to mention that in cases for specific performance time is the essence of contract, but in the said case no party to the said agreement ever sent any notice, or filed any suit/ proceeding in the court of law for specific performance or denial to perform the said agreement till 06.06.2005 (after Justice Hemant Gupta had become a judge). Such inaction on the part of the parties to the agreement is unexplained and appears that the said agreement was created ante dated to illegally acquire the said property.

d. On 06.06.2005, Alka Gupta and Bimla Gupta filed a suit for specific performance which was referred to lok adalat and in a short span of 3 days lok adalat passed a decree on 10.06.2005 in favour of Alka Gupta and Bimla Gupta.

e. The assets declaration by the judge mentions that his wife Alka Gupta is owner of half of the said property since 11.04.1996, and the other half belongs to HUF (Hindu Undivided Family) since 04.05.1998.

The acquisition and also the manner in which it was acquired **is under investigation by the Enforcement Directorate.**

(ii)Property situated at 136-140/93, Industrial Area, Phase-I, Chandigarh

As per the assets declaration by the judge, half of the share in the said property is owned by Alka Gupta and the other half belongs to the HUF, since 10.08.1998.

Facts of the case:

The said property was allotted to one Harjit Singh by the Chandigarh Industrial and Tourism Development Corporation on 03.04.1978 with the condition that the said property cannot be transferred or mortgaged to any other person. On 10.07.1995, purportedly an agreement to sell was executed between Harjit Singh and one Rajiv Kumar Sabharwal. Again on 11.07.1995, Harjit Singh executed one

General Power of Attorney in favour of Mahesh Kumar Sabharwal. On 10.08.1998, the same person Harjit Singh gives special power of attorney to Justice Hemant Gupta and Mukesh Mittal (the main accused in money laundering scam) to manage the property on his behalf. On the very same day i.e. 10.08.1998, as it appears from the investigation and the seizure of several incriminating evidence done by the ED, one agreement to sell was also purportedly executed by Rajiv Kumar Sabarwal and Mahesh Kumar Sabharwal in favour of Alka Gupta and J V Gupta, wife and father of Justice Hemant Gupta respectively. Again a lease deed was executed on 23.03.2009 by Mukesh Mittal (acting on behalf of Harjeet Singh) vide the GPA dated 10.08.1998 in favour of Harjeet Singh whereby Mukesh Mittal changes the status of Harjit Singh from allottee to lessee. It is important to mention that as per the Enforcement Directorate's report the said property still vests in the name of original allottee/ lessee Harjit Singh, still the Judge in his asset declaration has mentioned his wife as owner of half of the said property and his HUF as owner of the other half.

The terms of allotment was that the said property cannot be transferred to any other person. Investigation done by ED also suggests that the said property could not have been transferred to any person by lease or GPA/SPA. Despite the fact that there was total restriction on transfer of the said property, as per the assets declaration of the judge, one half of the share in the said property is shown to be owned by his wife Alka Gupta and the other by his HUF, since 10.08.1998. It appears that all the SPA/GPA/Lease executed amongst the parties, including with Alka Gupta and Justice Hemant Gupta were illegal and benami transactions.

The acquisition and also the manner in which it was acquired **is under investigation by the Enforcement Directorate.**

(iii) Property situated at 46, Industrial Area, Phase-I, Chandigarh:

Facts of the case:

That on 22.07.1971, the aforesaid property was sold by the owner Ramji Dass to one Smt. Swarn Kaur for Rs. 80,000/-. A 'shell

company' called "GMT Printers Private Limited" was incorporated on 22.04.1994. The wife of the judge, namely Alka Gupta and Bimla Gupta, mother of the judge were directors, and shareholders of the said company, along with Alka Mittal, wife of Mukesh Mittal. Since the date of inception, registered office of the said company is the residential address of Justice Hemant Gupta (House No. 211, Sector-18, Chandigarh). A copy of the registration certificate of GMT Printers dated 22.04.1994 and a copy of the memorandum of association is annexed and marked as **Annexure-I (Pages)**.

On 02.06.1994, the GMT Printers passed a resolution to purchase the aforementioned plot. On 29.06.1994, the said property was sold by Smt. Swarn Kaur to GMT Printers for Rs 7,87,500/-. The directors of the company, namely Alka Gupta, Bimla Gupta and Alka Mittal executed a general power of attorney in favour of Mukesh Mittal for managing affairs of the property. Lease agreement (w.e.f. 01.04.1999) was executed by GMT Printers in favour of R K Mittal, Mukesh Mittal, Chetan Mittal, Alka Mittal, Monica Mittal etc. for half of the area of the plot situated at 46, Industrial Area, Phase-I, Chandigarh. On 14.02.2005, an agreement to sell was executed by GMT printers in favour of one M L Tayal for 50 % of the share; in favour of R K Mittal for 25 % of the share and rest 25 % in favour of four persons namely, Vivek Mohan Mittal, Monica Mittal, Mukesh Mittal and Arvind Mittal.

The Enforcement Directorate in its report raises serious doubt to the genuineness of the lease deed and agreements mentioned hereinabove as the shareholders of the same company that is GMT Printers are selling and purchasing property amongst them.

On 23.04.2005, a compromise deed was entered into by M/s M L Tayal & Sons (M L Tayal is the father in law of Justice Hemant Gupta) and GMT Printers. On 25.04.2005, M L Tayal filed a suit for specific performance of the agreement dated 14.02.2005. The matter was referred to lok adalat and vide an order dated 02.05.2005, the said suit was decided in favour of M/s M L Tayal & Sons. On 09.05.2005, a sale deed was executed by the GMT Printers in favour of M/s M L Tayal & Sons regarding 50 % of the shares of the property owned by GMT Printers. The consideration for the said sale was only Rs 4 lacs

in the situation where the market price of the land runs into crores. That Justice Hemant Gupta using his official position seems to have influenced the presiding officer of the court and the Lok Adalat, in settling the matter in a quick span which was done vide an order dated 02.05.2005. Following the orders of the Lok Adalat, the transfer deed was registered on 09.05.2005. A copy of the order dated 02.05.2005 by the Permanent Lok Adalat, Chandigarh is annexed and marked as **Annexure-J (Pages)**. The said property was transferred evading stamp duty and the file noting of Chandigarh Estate office would show that sale deed was executed by paying stamp duty of Rs 24,000/- leaving stamp duty of Rs 5,98,830/- unpaid. A copy of the file noting of the Chandigarh Estate office 25.05.2010 is annexed and marked as **Annexure-K (Pages)**.

As per the EDs report the aforesaid transactions are collusive and illegal and an attempt not to pay stamp duty over the said property while executing the sale deed dated 09.05.2005. The ED report further indicates the transactions in selling the said property to one builder Jubilant Buildcon Pvt. Ltd. are collusive and undervalued.

The acquisition and also the manner in which it was acquired **is under investigation by the Enforcement Directorate.**

(iv). **Plot No. 658, Industrial Area, Phase-I, Chandigarh**

According to the report filed by the Enforcement Directorate, another case of fraud, creating false deed, evading stamp duty and illegal acquisition of *Plot No. 658, Industrial Area, Phase-I, Chandigarh* surfaced where Alka Gupta and the judge, having close nexus with Mukesh Mittal are allegedly involved.

The ED report categorically states that the aforementioned property still vests in the name of M/s Bharat Ice & Steel Industries Ltd. as per the information furnished on the website of the Estate Office, Chandigarh. The EDs report further reveals that several agreements/ GPAs/ SPAs were recovered during search and seizure. ED opines that the documents seized appears to be false and fabricated created ante dated to give legal colour and then getting the property

transferred by filing civil suit, getting it settled through lok adalat in quick span and thereby evading stamp duty too.

In this particular, a civil suit no. 179/2000 was filed by persons associated with Mukesh Mittal (as plaintiffs) against the defendant M/s Bharat Ice & Steel Industries Ltd. On 10.08.2000, Mr. Hemant Gupta (now Justice Hemant Gupta) appeared as counsel for the defendant M/s Bharat Ice & Steel Industries Ltd. It is interesting to note that Justice Hemant Gupta appeared on behalf of defendant and admitted claims made by the Plaintiffs. On the basis of the submissions made by the counsel (Justice Hemant Gupta) for M/s Bharat Ice & Steel Industries Ltd. the court passed a decree dated 09.11.2000 making the agreement to sell in favour of families of Mukesh Mittal, absolute.

It is important to point out that Enforcement Directorate in its report states that 'It is a matter of investigation whether Justice Hemant Gupta had bought this plot from M/s Bharat Ice & Steel Industries Ltd. on GPA/ATS/ Will and further sold it on sub-SPA, sub-GPA or ATS as the property is changing ownership since 1999 and no sale deed of this plot has been executed till date'.

The acquisition and also the manner in which it was acquired **is under investigation by the Enforcement Directorate.**

CHARGE II:

That Justice Hemant Gupta possesses wealth disproportionate to his known sources of income.

That Justice Hemant Gupta after being elevated as a judge of the High Court abused his position to amass several properties, primarily in Chandigarh, illegally and by abusing his position as a judge. It is pertinent to mention that the mode and consideration of acquisition of all properties of the judge except the residential house, is under investigation by the Enforcement Directorate (already indicated in Charge I above). It is further pertinent to mention that Ms. Alka Gupta, wife of Justice Hemant Gupta is one of the suspects in the aforementioned case

The summary of assets declared on 24.04.2012 (which allegedly contains the assets declared by the judge in the year 2010) by Justice Hemant Gupta and the reports of the Enforcement Directorate would reveal that properties mentioned at serial 1.2, 1.3, and 1.4 of the said declaration are under ED probe. Moreover, said declaration would reveal huge wealth amassed in the name of his son Prateek Gupta (200 gram-Gold, PPF deposit of Rs. 16,54,026 deposit of Rs. 12,00,000 in a firm and deposit of Rs. 60,000 in mutual funds) along with one half share in Booth No. 26, Sector 18-D, Chandigarh, and daughter Kavya (480 gram-Gold, PPF deposit of Rs. 15,34,634), at the time when both of them were dependant on Justice Hemant Gupta. The real value of the immovable assets and deposits in the name of HUF go beyond the declared income of the judge. It is important to mention that the Enforcement Directorate in its report mentions that the reconstruction of the house no. 211, sector 18A, Chandigarh, (the ancestral house) by Justice Hemant Gupta, involved expenditure of around 12-15 crores and is a matter of investigation. A copy of the assets declaration of Justice Hemant Gupta dated 24.04.2012 is already annexed and marked as Annexure-C.

On account of the facts and figures narrated hereinabove it transpires that the present case is a gross case of disproportionate assets where the judge and his family has amassed huge wealth, owns several properties worth crores which go beyond the disclosed source of income of the judge.

CHARGE-III:

That Justice Hemant Gupta tried to influence/ jeopardise the ongoing investigation by the Enforcement Directorate, where his wife Alka Gupta, is one of the suspects, and properties acquired by Justice Hemant Gupta are under scanner of the Enforcement Directorate.

That Justice Hemant Gupta in gross misbehavior and abuse of the office tried to influence the investigation being carried out by the Deputy Director, Enforcement Directorate in FIR No. 04/2009; dated 22.07.2009, registered at PS- UT Vigilance, Chandigarh. During course of investigation, ED suspected names of several others, including Mukesh Mittal, Alka Gupta and also alleged involvement of

Justice Hemant Gupta. Pursuant to the said FIR, search and seizures were conducted on several premises of Mukesh Mittal where (as per the ED's report) the Enforcement Directorate recovered several pieces of incriminating evidence suggesting a gross case of money laundering etc. According to the report of the Enforcement Directorate, the secretary of the judge namely Dalbir Singh (while investigation of the case being in progress) called the Investigating Officer (on behalf of the Justice Hemant Gupta) on 16.03.2015 at around 10.15 and requested the IO to talk to Justice Hemant Gupta. Again at around 11.30 am on the same day the IO received call from the mobile number of Dalbir Singh who gave the phone to Justice Hemant Gupta. Justice Hemant Gupta then enquired from the IO about the status of RMC Printers Pvt. Ltd. case in which his wife Alka Gupta and close aid Mukesh Mittal are suspects and beneficiaries of the crime and insisted for a meeting with the IO/ ED officers. The ED reports also suggest that the judge insisted to meet the IO of the case on several other occasions with a view to influence/ intimidate the officers of ED to hush up the investigation. The Enforcement Directorate upon verification of the calls found the mobile number registered in the name of Dalbir Singh, Secretary of Justice Hemant Gupta. *The complainant has call recording of the aforesaid conversation between the judge and the ED officer, which may be produced before the 'in-house enquiry' committee as and when required.* A copy of the file noting dated 25.03.2015 by the Assistant Director, PMLA is annexed and marked as **Annexure-L (Pages)**.

That the ED's report further reveals that Alka Gupta, Bimla Gupta and the judge have close connections with Mukesh Mittal and all the properties that form part of the asset declaration of the judge is part of the investigation by the ED. The said report further suggest that there were no business operation in RMC Printers Private Limited and GMT Printers Private Limited and both companies had no declared assets, therefore, shell companies.

The Enforcement Directorate's note (addressed to the JDE/CDZO, dated 20.06.2016) reveals that during search and seizure, the ED had seized highly incriminating evidence against the judge and his family. The said facts were substantiated by several complaints that were received in the office of the Directorate, ED; these complaints against

the family of the judge are mentioned in ECIR/05/2013/CDZO registered on the basis of the FIR No. 04/2009. The investigation reveals commission of grave offences of money laundering, tax evasion, non-payment of stamp duty etc.

That in May, 2015, the advocate members of the Punjab and Haryana High Court Bar Association made several complaints against the judge to the Chief Justice of the High Court and requested for his transfer and/ or removal from office. It is important to mention that the brother of Mukesh Mittal, namely Chetan Mittal is the ASG in Punjab & Haryana High Court. The Enforcement Directorate has also questioned the role of Chetan Mittal in transactions under investigation. The judge has interfered with the ongoing investigation of the case by not only calling and influencing the IO/ other officers, but also getting the case transferred from Chandigarh to Enforcement Directorate, HQ, New Delhi somewhere in July 2016. Justice Hemant Gupta is known close to the present Finance Minister under whom the ED functions. More so, attempts have been made on several occasions to thwart the investigation by getting the officers of ED transferred out from Chandigarh.

That in view of the charges mentioned hereinabove, and explanatory note on each charge, it is apparent that there are sufficient prima facie evidence for initiation of 'in-house inquiry' against Justice Hemant Gupta. It is therefore respectfully prayed that an "in house enquiry" should be constituted at the earliest to look into the above-mentioned charges and take consequent action thereupon.

Thanking you,

(Prashant Bhushan)

Copy to:

1. Hon'ble Shri J. Dipak Mishra
2. Hon'ble Shri J. Jasti Chelameswar
3. Hon'ble Shri J. Ranjan Gogoi
4. Hon'ble Shri J. Madan Bhimarao Lokur