

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2618 of 2021**

M/S HEMANI INTERMEDIATES PRIVATE LIMITED

Versus

UNION OF INDIA

Appearance:

MR.AVINASH PODDAR(9761) for the Petitioner(s) No. 1,2,3

for the Respondent(s) No. 1,3,4,5

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
Respondent(s) No. 2CORAM: **HONOURABLE MR. JUSTICE J.B.PARDIWALA**

and

HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 10/02/2021

ORAL ORDER**(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)**

- 1.This is one more matter amongst many other matters that have come up before this Court in last one week of undue harassment, coercion etc. at the end of the respondents Nos.4 and 5 respectively.
- 2.We take note of the averments made in para-11 of the Memorandum of the writ application. The same reads thus:

"11. The petitioner states that during the entire search proceedings at Plot No.780//1-2, 779/3A, 779/1/B/1, C1B/6129, 40 shed Area, GIDC, Vapi which lasted for almost 2 days, the respondent No.4 and respondent No.5 restored to physical violence and torture on the employees of the petitioner No.1. The respondents even forced the employees of the petitioner No.1 to switch off the CCTV cameras of the office

premises. Further, the statements of all the persons present during the search proceedings were taken under coercion and therefore, the petitioner was under immense mental stress and depression."

3. What is more disturbing is that the two panchwitnesses of the search proceedings have also filed an affidavit stating as under:

"This affidavit cum declaration has been made on 22 January, 2021. I Mr. Mahendra Das, R/o. Malaypur, Malepur, Jamui, Bihar- 811313, do hereby solemnly affirm and declare as under:

1. *That I am the panchwitness during the search proceedings carried out on 20.01.2021 and 21.01.2021 at the registered premises of M/s. Hemani Intermediates Private Limited at Plot No.781///1-2, 779/3, 779/3A, 779/1/B/1, C1B/6129, 40 Shed area, GIDC, Vapi and that the entire search proceeding was conducted in my presence.*

2. *That the search proceeding carried out across 2 days from 11:00 Am on 20.01.2021 to 09:00 AM on 21.01.2021 was conducted in a very bad manner wherein many untoward incidents took place.*

3. *That even the employees of the company were forced to put the CCTV cameras on Switched off.*

4. *That the officers conducting search proceedings resorted to physically violence and torture on the accountants and senior accountants of M/s. Hemani Intermediates Private Limited despite them cooperating with the said officers.*

5. *That the statements of all the employees of M/s. Hemani Intermediates Private Limited there during the search proceedings was taken under*

coercion.

6. That the officers conducting search proceedings also forced the management/directors of the company to make the payment of tax, interest and penalty at midnight. In fact the officers themselves have created the payment details in the system and the management was asked to make the payment."

4. Let **Notice** be issued to the respondents, returnable on **16.02.2021**. On the returnable date, the respondents Nos.4 and 5 respectively shall appear before this Court through the Video Conferencing, failing which, this Court may proceed to take appropriate steps in accordance with law. Let this writ application be tagged along with Special Civil Applications Nos.2426 and 2515 of 2021 respectively.

(J. B. PARDIWALA, J)

(ILESH J. VORA, J)

SUCHIT