Twitter Thread by Bar & Bench

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#BombayHighCourt begins hearing the plea of Lawyers Collective challenging the summons issued by ED for appearance of Sr Adv Anand Grover before them in the capacity of the trustee of the NGO.

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Bench of Justices SS Shinde and MS Karnik ask ASG Anil Singh where the other Sr Advs are.

ASG: Milords had this been physical hearing, I would have located them, it is difficult during virtual hearing.

All Laugh.

Court states that the officers of ED are willing to come to Mumbai to carry out interrogation and they can proceed with the interrogation subject to the outcome of the plea.

Sr Adv Amit Desai asks the court to note certain facts from the plea.

Desai submits that ED has claimed they do not have certain documents with them. We have submitted those records, these are public records, but we will provide them with whatever additional documents they want.

Desai: So I am submitting that those documents can be sent to the ED, they can go through the documents and then take further course of action.

Court asks ASG to consider if the hearing of the ED can be deferred beyond January 6, 2021.

ASG: Milords the petitioner cannot have a choice on the investigation. This investigation is at preliminary stage. I am only talking about recording of statement.

Court: They are not saying stay the investigation, they are only deferring the hearing.

You were not there in a previous hearing, Mr. Ponda was there and Ms Gonsalves was there for CBI.

CBI had made a statement that they will complete investigation in a certain time.

Court: Thereafter they have sought for more time.

Investigation officers have full liberty to conduct their investigation.

We will hear your matter in first week of January, 2021.

ASG argues that if the hearing is deferred then it will send a wrong signal that the hearing is deferred.

Court: What we are saying is that whatever date you fix for recording their statement, just do it after January 6.

ASG: Milords lawyers are coming to court everyday, can they not go for recording statements?

I am willing to send my officers for recording statement if they cannot come to Delhi.

Desai: There are lots of jurisdictional issues. I have read the reply of Mr. Singh and he has fairly said that there are substantial questions of law which I agree.

I am also saying that they are asking me to bring the documents, I am only saying I will send the documents

Desai: You study those documents in the meanwhile and then take further course.

Desai gets disconnected from the call.

Court: Mr. Singh we will take this matter on December 22. Now time is over.

ASG: Milords I will take instructions on the date and milords can keep it tomorrow just for instructions and not for arguments.

Court: Ok we will record that and extend the earlier order till tomorrow.

Hearing will continue tomorrow only for the purpose of Mr. Singh’s reply on the issue of deferring the date for recording of statement of Sr Adv Grover on behalf of Lawyers Collective.