

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8282 of 2023

Petitioner :- Bss Associates Pvt. Ltd. Company Thru. Its Auth. Signatory Tanaseef And Another

Respondent :- The Adjudicating Authority Preventon Of Money Laundering New Delhi Thru. Its Registrar And Another

Counsel for Petitioner :- Karunanidhi Yadav

Counsel for Respondent :- Rohit Tripathi

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard Sri S.P. Singh, learned Senior Advocate, assisted by Sri Karunanidhi Yadav, learned counsel for the petitioners and Sri Rohit Tripathi, learned counsel for the Respondent.

This petition has been filed praying for quashing of the order dated 25.07.2022 passed by the Adjudicating Authority under the Prevention of Money-Laundering Act, 2002.

This Court having gone through the order finds that it is an order of the Adjudicating Authority. The petitioners have a statutory remedy of filing an Appeal before the Appellate Tribunal under Section 26 of the Act.

Learned counsel for the petitioners at this stage says that there is a limitation of 45 days for approaching the Appellate Tribunal which time has already lapsed.

This Court is of the opinion that *prima facie* the writ petition is not maintainable as statutory remedy is available. The Hon'ble Supreme Court in the case of ***N.P. Ponnuswami Vs. Returning Officer, Namakkal, AIR 1952 Supreme Court 64***, has observed that when the writ petition is not maintainable, no observation in favour of the petitioners can be made, therefore, the request of the learned Senior Counsel for disposing of the writ petition, with the observation that the petitioners may be given the benefit of Section

26(3) of the Act, cannot be granted by this Court.

The petitioners have challenged the order dated 25.07.2022 by filing the writ petition only on 18.10.2023.

The writ petition is ***dismissed*** as not maintainable leaving it open for the petitioners to approach the appropriate Forum.

Order Date :- 3.11.2023

Rahul