

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****FIRST APPEAL NO. 1213 OF 2014**

Eversmile Construction Ltd.

....Appellant.

Vs.

The Deputy Director,
Directorate of nforcement

....Respondent.

Ms. Jyoti Sinha i/by Negandhi Shah & Himayatullah for the Appellant.
None for the Respondent.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 15th JANUARY 2015.

P.C.:-

By this First Appeal, the Appellant challenges the order of the Appellate Tribunal under the prevention of Money Laundering Act, New Delhi dated 13.2.2014.

It appears, on hearing the learned counsel for the Appellant and on the perusal of the impugned order dated 13.2.2014, that by the impugned order the Appellate Tribunal has merely deferred the hearing on the prayer made by the Appellant for grant of interim relief till the Respondent is heard and the reply is filed by the Respondent. It appears that by the order dated 13.2.2014, the Tribunal had merely adjourned the hearing of the matter on an application for stay. It is surprising that though the order postponing the hearing of the Application for stay is challenged in

this First Appeal filed in February-March 2014, the prayer for grant of stay is not pressed till this date. Had the Appellant not filed this First Appeal, the Tribunal would have been in a position to decide the Application filed by the Appellant for grant of stay. In fact, it is possible that the Tribunal may have decided the Application filed by the Appellant for grant of stay.

In view of the aforesaid, we decline to entertain the First Appeal against the order merely postponing the hearing on an Application for stay till the Respondent files the reply.

The First Appeal is dismissed, with no order as to costs.

The Tribunal is, however, expected to decide the Application for stay as early as possible. Order accordingly.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)