

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8426 OF 2015

DATED:21.4.2015

Between:

Directorate of Enforcement

Represented by its Assistant Director

Office of the Joint Director

Hyderabad Zonal Office

3rd Floor, Shakar Bhavan

Basheerbagh

Hyderabad – 500 004

... Petitioner

And

The Appellate Tribunal (PMLA),

Rep. by its Registrar

4th Floor, Loknayak Bhawan

Khan Market

New Delhi 110003

and another ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.8426 OF 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Sri D.V. Seetharama Murthy, learned Senior Advocate, appears on behalf of the respondent No.2. He takes notice of the writ petition. Both the learned counsel for the parties suggest that the writ petition may be disposed of finally today itself without observing any formalities.

This writ petition has been filed by the petitioner impugning the order of the appellate authority. It appears that the appellate authority has entertained the appeal

against a non-existent order. However, it is contended by respondent No.2 before us that the oral order is as good as effective as written one to prefer appeal. We are unable to accept this contention. We are of the view that unless an order is passed in writing, no appeal could be preferred. Appeal can be filed only with a certified copy or copy of the order. Unless written order exists copy of the same cannot be available. According to us the appeal is a nonest factum.

Therefore we set aside the order of the appellate authority, but at the same time we must address the problem.

We notice that the adjudicating authority has refused to pass any order on the interim relief application following queer procedure. The interim relief application is decided to be dealt with along with the main matter in the final adjudication, but we think that the object of making a provision for interim relief application is to grant some relief pending disposal of the main matter finally. This object is frustrated by the procedure adopted by the adjudicating authority.

We therefore direct the adjudicating authority to decide the application for interim relief made by respondent No.2 before us within a period of fortnight from the date of communication of this order by passing a speaking written order. Any order passed by the adjudicating authority, the certified copy of the same, if applied for, shall be supplied upon payment of requisite fee to the party concerned.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

21.4.2015

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