

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on : 17.03.2015

Judgment delivered on: 06.05.2015

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WP(C) 375/2014

MOHAN ALWANI

..... PETITIONER

Versus

DIRECTOR, ENFORCEMENT DIRECTORATE
AND ANR.

..... RESPONDENTS

Advocates who appeared in this case:

For the Petitioner: Mr. R.K. Handoo, Mr. Yoginder Handoo and Mr. Salil
Maheshwari, Advocates

For the Respondents: Mr. Jasmeet Singh, CGSC

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER,,J

WP(C) 375/2014 and CM No.748/2014 (stay)

1. This is a writ petition which is directed against the memorandum bearing no.T-4/53-D/95 (SCN) dated 14.11.1995 (hereinafter referred to as SCN) issued by the Special Director, Enforcement Directorate, New Delhi. The petitioner seeks quashing of the said SCN.

1.1 The heart of the challenge is in the assertion by the petitioner that even though more than 19 years have elapsed since, the proceedings were initiated against him by the Enforcement Director and yet they have not reached culmination. Thus, in effect, the challenge by the petitioner is raised and confined to one singular ground, which is unexplained delay,

which he says, is not attributable to him.

2. In order to appreciate the contours of the challenge laid by the petitioner, it would be relevant to notice the following broad facts :-

2.1 It appears that based on information received by the Enforcement Directorate (in short the E.D.), a raid was conducted at D-43, Minto Road, Rouse Avenue, New Delhi on 18.05.1995. The petitioner was apparently found in the premises which was searched by the officers of the E.D., in exercise of powers under Section 37 of the Foreign Exchange Regulation Act, 1973 (in short FERA).

2.2 At the time of search, a sum of Rs.7 lakhs and certain documents were seized and recovered from the petitioner by the officers of the E.D. A statement purportedly made by the petitioner was also recorded.

2.3 The petitioner was served with a SCN. In the SCN, broadly, the allegation made against the petitioner, was that, in his statement he had accepted the fact that he was receiving and distributing moneys at the behest of one Mr. Haji, a resident of Dubai; for which, he was, receiving commission at the rate of Rs.200/- per one lakh rupees. This activity, as per the statement of the petitioner made to respondents, and as, recorded in the SCN, was on since, middle of April, 1995.

2.4 There was also a reference to certain codes which evidently the petitioner had used in the transaction between himself and Mr. Haji. Reference was also made to certain persons who had received the money, and therefore, inter alia, apart from the petitioner, notice to show cause was issued not to only those, who had received the money but also to the petitioner, as to why adjudication proceedings should not be held against them under Section 50 and 51 of FERA.

2.5 Against the petitioner, it was alleged that he had violated the

provisions of Section 9 (1)(b) and 9(1)(d) of FERA, whereas against those who had received money, it was alleged that they had contravened provisions of section 9(1)(b) of FERA.

2.6 The petitioner was also called to show cause why the sum of Rs.7 lakhs seized from “his premises”, should not be confiscated under section 63 of FERA.

2.7 The SCN, had appended to it a list of relied upon documents, including, the panchnama dated 18.05.1995; statements of the petitioner and other persons (Amarjit Singh, Sunil Bhatia and Hari Mohan) who had received the money; panchnama dated 05.06.1995 drawn up at the residence of one, Mr. H.K. Das and documents seized therefrom; and the statement of Sh. H.K. Das Sharma and that of Smt. Avtar Kaur.

2.8 The petitioner, was arrested on 18.05.1995. On being produced before the court by the E.D., on 19.05.1995, he was remanded to judicial custody till 02.06.1995.

2.9 The petitioner, thereafter, moved for bail which was granted to him.

3. It is also an admitted position that the petitioner retracted his statement made before the E.D. on 29.05.1995 as, according to him, it was taken under coercion.

3.1 It is the case of the petitioner that he received the aforementioned SCN at his residence in Ajmer in Rajasthan, only on, 17.07.1997 i.e., after nearly one year and eight months.

3.2 It appears that, immediately thereafter, on 13.08.1997, the petitioner acknowledging the receipt of the SCN sought copies of relied upon documents as they did not accompany the SCN.

3.3 Having receiving no response to his communication, for being supplied, relied upon documents, the petitioner despatched, apparently, a

communication dated 24.01.1998 for the same purpose.

3.4 I may only note here that it is the respondents' stand, that the, aforementioned communication is not found on record. It is, however, the case of the petitioner that the communication dated 24.01.1998, was followed by yet another communication dated 23.10.1998, though this time, the communication was sent via his advocate.

3.5 In this communication sent by the petitioner's advocate, reference was made to the earlier communications on the subject, dated 13.08.1997 and 24.01.1998. The assertion in this communication apart from anything else was the failure on the part of E.D. to supply the relied upon documents. On the record, the petitioner has placed copies of postal receipts of all three communications i.e., communication dated 13.08.1997, 24.01.1998 and 23.10.1998.

3.6 The record shows that E.D. responded to the petitioner's communication dated 23.10.1998 for the first time on 19.11.1998. By this reply, the petitioner was told that he could inspect or obtain copies of documents at his cost, on any working day from the office of the Deputy Director, E.D., located at Delhi.

3.7 By a return letter dated 30.11.1998, the petitioner's advocate wrote to the Deputy Director, E.D. positioned in the Zonal Office, in Delhi, that intimation be given to him as to the amount and the entity in whose favour a draft had to be drawn up for supply of relied upon documents. In this letter, reference was given to the letter dated 19.11.1998 issued by Special Director of E.D.

3.8 Concededly, between 1998 and 2004, there was a complete silence on the part of the respondents with regard to this aspect of the matter. For the first time, on 17.03.2004, relied upon documents were, apparently,

supplied to the petitioner.

3.9 I may only note that it is the case of the petitioner that even at this stage he was not supplied with the entire set of documents.

4. Be that as it may, on 27.07.2004, on behalf of the petitioner, his advocate filed a reply to the SCN. Amongst other grounds raised in the reply on merits and otherwise, there were two aspects highlighted on behalf of the petitioner. First, that the proceedings which were lying dormant, despite, the reply dated 23.10.1998, filed on behalf of the petitioner were suddenly resurrected. Second, that the petitioner in order to prove his innocence should be given an opportunity to cross-examine the investigating officer, the panch witnesses, and the co-accused whose statements were sought to be relied upon by the respondents.

4.1 This request lay dormant for nearly two years and five months. The proceedings were recommenced on 20.12.2006 when, the petitioner was given an opportunity to cross-examine two witnesses. These being, two officers of the E.D. i.e., Mr. A.K. Narang, Assistant Director and Mr. A.K. Mahajan, Assistant Enforcement Officer, who were part of the team which had carried out search at Minto Road premises.

4.2 There was yet another lull of nearly seven years thereafter. The proceedings were reignited on 15.10.2013 when, a call notice was apparently, served on the petitioner. Though, the copy of the call notice dated 15.10.2013 is not placed on record, there is a reference to the same in the communication dated 21.11.2013, issued by the counsel for the petitioner. In this communication, the petitioner's counsel indicated that since the matter was nearly 18 years old, the record of the case was not traceable with his client, and therefore, the respondents should supply the notice alongwith documents so as to enable the petitioner to proceed in the

matter.

4.3 It appears that on 21.11.2013, a hearing was held in the matter when, according to the petitioner, some documents were supplied. Furthermore, a call notice dated 21.11.2013 was also issued fixing further date of hearing on 19.12.2013.

4.4 In the interregnum, the petitioner via his advocate vide letter dated 16.12.2013 wrote to the respondents that on the earlier occasion, he had asked for opportunity to cross-examine : persons who were witness to the search carried out at the Minto Road premises on 18.05.1995 and co-noticees, whose statements had been relied upon in the SCN served upon the petitioner. It was further pointed out that one of the documents supplied on 21.11.2013 (which was found at page 18 of the compilation) was completely illegible. The fact that proceedings had gone on for 18 years, which had taken a toll on the petitioner's health, resources and financial capacity, was also brought to fore. A prayer was made that the proceedings against the petitioner ought to be dropped. In the alternative it was stated that in case the respondents chose to proceed ahead, they should supply him with the copy of the document, which was found to be illegible, and also, produce the persons referred to in the said letter for cross-examination.

4.5 The record seems to show that proceedings fixed on 19.12.2013 were adjourned for two dates i.e., 20.12.2013 and 23.12.2013, on account of the counsel for the petitioner having been inflicted with viral fever. It appears that the petitioner's advocate having not recovered from his illness, wrote a letter dated 20.12.2013 to the respondents whereby, once again, he reiterated his request for being supplied a legible copy of the document which was found to be unreadable and for being given an

opportunity to cross-examine the persons, who were referred to in his more recent letter of 16.12.2013. In this context it was indicated that hearing fixed for 20.12.2013 and 23.12.2013, would serve no purpose unless the request made were complied with.

4.6 A request was also made that the hearing in the matter be fixed in January, 2014 subject to the convenience of the respondents so as to enable the petitioner to travel from Ajmer (Rajasthan), as he, evidently, required assistance of an attendant, on account of his ailments and heart disease.

4.7 Evidently, there was no immediate response to the letter dated 20.12.2013 which, it appears, propelled the petitioner to move this court by way of a petition under Article 226 of the Constitution.

5. Notice in this petition and interlocutory application for stay of proceedings was issued on 20.01.2014. Pursuant to the notice, respondents entered appearance and filed their reply. Arguments in the matter were heard on two dates i.e., 13.03.2015 and 17.03.2015; whereupon judgment in the matter was reserved.

SUBMISSIONS OF COUNSELS

5.1 On behalf of the petitioner, arguments were advanced by Mr. R.K. Handoo, while submissions on behalf of the respondents have been made by Mr. Jasmeet Singh, Advocate.

5.2 The submissions of Mr. Handoo veer around a singular contention that there has been an enormous delay in the conclusion of the adjudication proceedings, and that, delay, has resulted in causing detriment to the petitioner's case, resources and health.

5.3 In this context, the learned counsel drew my attention to the manner in which the proceedings have been conducted by the respondents since

May, 1995 when, in a search, a sum of Rs.7 lakhs alongwith documents were seized from the petitioner.

5.4 Mr. Handoo was at pains to point out that the petitioner ran a pharmacy by the name of M/s. Sumit Traders at Ajmer in Rajasthan and was on a visit to Delhi to buy medicines in bulk, when, he was nabbed by the respondents. The money, which was found in the possession of the petitioner, according to the learned counsel, was to be utilized for the said purpose. The explanation given for his presence at Minto house premises was thus : the petitioner had on one of his trips to Delhi befriended one, Mr. Prem, who had asked him to visit his place located at Minto Road.

5.5 According to the learned counsel, the petitioner was accosted and, thereafter, arrested and implicated only for the reason that the other person, one, Mr. Prem could not be found at the Minto Road premises.

5.6 It was also Mr. Handoo's contention that in the eyes of law, the service of SCN had no relevance till such time it was accompanied by the relied upon documents. The learned counsel contended that only a part of the documents relied upon, were supplied, that too, after, nearly six years, on 17.03.2004, which enabled the petitioner to file a reply on 27.07.2004. The learned counsel went on to stress that the respondents did not reactivate the matter till 2013, save and except for an opportunity being given in December 2006, for cross-examining two official witnesses.

5.7 Mr. Handoo, thus said, that, in this process the respondents have ensured that the Sword of Damocles keeps hanging on the petitioner. The enormous time-lag has ensured loss of crucial evidence, the petitioner's own record in support of his case, is unavailable. The respondents have failed despite request to supply even, in 2013, a copy of the document which in fact is a crucial document. The respondents have also failed to

rule on the request made by the petitioner for production of persons, who were witnesses to the search (apart from official witnesses) and noticees whose statements are filed as relied upon documents alongwith the SCN for cross-examination. The continuation of the proceedings at this point in time appears to be an exercise in futility; which can only now harass and debilitate the resources and health of the petitioner.

5.8 The learned counsel made it a point to bring to my notice that such is the lackadaisical approach of the respondents that they failed to comply with the statutory provisions of Section 61 of FERA which, then propelled the court to discharge the petitioner in the criminal proceedings. This order of the ACMM dated 28.04.2010, has attained finality.

5.9 In support of his submissions, the learned counsel relied upon the following judgments : *Lokesh Kumar Jain Vs. State of Rajasthan, JT 2013 (9) SC 360; Smita A Patel Vs. Additional Director of Enforcement Directorate, (1996) Cri.L.J. 32; Shrish Harshavadan Shah Vs. Deputy Director, E.D., Mumbai, 2010 (254) DLT 259 (Bom.); and, R.P. Nanda Vs. DDA and Anr. 109, (2004) DLT 613.*

6. On the other hand, Mr. Jasmeet singh who appeared on behalf of the respondents, relied mainly upon the stand taken in the counter affidavit. It was emphasised by the learned counsel that though there was delay in the adjudication of the SCN, the delay was on account of various requests made by the petitioner's counsel for accommodation.

6.1 In this behalf, the learned counsel brought to my notice, the proceedings which were adjourned from time to time in December 2013.

6.2 The learned counsel, however, conceded that the relied upon documents were supplied to the petitioner only on 17.03.2004.

6.3 In respect of both these aspects, the learned counsel relied upon the

averments made in paragraph 3 of the counter affidavit contained under the heading, 'preliminary submissions'.

6.4 Based on the averments made in the counter affidavit, the learned counsel stated that the respondents had not received the letter dated 24.01.1998. The contention of the learned counsel, thus was, that after the petitioner was supplied documents on 17.03.2004, the case was heard on 17.10.2005 when, upon a request made by the petitioner for cross-examination of co-noticees and the investigating officer, he was permitted cross-examination of two official witnesses on 20.12.2006.

6.5 As regards the petitioner's request for supply of the illegible fax was concerned, Mr. Jasmeet Singh stated that since the fax was available on thermal paper, the same had become illegible over a period of time.

6.6 Apart from the above, what was sought to be conveyed by the learned counsel, was that, the petitioner's story was completely unbelievable which is that, he was carrying a sum of Rs.7 lakhs to purchase medicines when, at the relevant point in time, under the provisions of Section 40A (3) of the Income Tax Act, 1961, a person could not make purchases of goods in cash exceeding Rs.20,000/- on any one single day. It was contended that the petitioner had failed to produce documents such as, the Sales Tax Returns, Income Tax Returns, and accounts for the period prior to 1995 to substantiate and justify that he made purchases valuing Rs.7 lakhs on one single day.

6.7 The learned counsel stressed the fact that in coming to the conclusion whether a court should or should not quash adjudication proceedings on the ground of delay, it would have to take into account the entirety of facts and circumstances, which would include inter alia, the circumstances which highlight the delay caused by the noticee and the

seriousness of the offence. The learned counsel submitted that no time limit could be fixed by the court for conclusion of adjudication proceedings.

6.8 In support of his submissions, the learned counsel relied upon the judgment of the Supreme Court in the case of ***P. Ramachandra Rao Vs. State of Karnataka, (2002) Cri. L.J. 2547.***

REASONS

7. As is evident from the facts and circumstances delineated above, the petitioner seeks quashing of the adjudication proceedings on the ground of inordinate delay in conclusion of the proceedings. Therefore, first and foremost, one would have to establish as to whether courts have, in the past, taken recourse to the powers under Article 226 to quash adjudication proceedings under various economic laws, which have penal consequences. The genesis of such a plea is based on the judgments of the Supreme Court and various High Courts in respect of delay in prosecution of criminal cases.

7.1 The Supreme Court has time and again ruled that inbuilt in the fundamental right conferred under Article 21 is a right of the accused to expect that the State would prosecute and try his case with speed and expedition. The judgment of the Supreme Court in ***Hussainara Khatoon Vs. Home Secretary, State of Bihar, (1980) 1 SCC 81*** and ***Abdul Rehman Antulay Vs. R.S. Nayak, JT 1991 (6) SC 431***, clearly establish this principle. As a matter of fact, the Supreme court in ***Abdul Rehman Antulay***'s case formulated eleven propositions which inter alia stated that the right to speedy trial flows from Article 21 of the Constitution, and this right, encompasses all stages, namely, the stage of investigation, enquiry, trial, appeal, revision and re-trial. The court went on to say that while,

examining the plea of delay the concerns of the accused have to be examined, which would include factors such as the worry, anxiety, expense and disturbance caused to his vocation as a result of unduly prolonged investigation, enquiry or trial; and furthermore – whether undue delay results in impairment of ability of the accused to defend himself on account of death, dis-appearance or non-availability of witnesses. The court also factored in caveats such as : determination to answers, as to who was responsible for the delay; as every delay, does not necessarily prejudice the accused. *What is important is the two observations of the court. First, that “proceedings taken by either party in good faith to vindicate their rights and interests as perceived by them, cannot be treated as delaying tactics nor can the time taken in pursuing such proceedings be counted towards delay..”. Second, “inordinately long delay may be taken as presumptive proof of prejudice..”.*

7.2 It goes without saying as was also observed by the court that frivolous proceedings or proceedings taken out to merely delay the day of reckoning cannot be treated as proceedings taken in good faith, and that, mere fact on an application or petition, a stay is granted by a superior court is no ground to construe that the proceedings are not frivolous as very often such orders are obtained on *exparte* representation. In effect, it was observed by the court that while it may not be advisable or practicable to fix time limit for trial of offences, the courts while ascertaining whether undue delay has occurred must have regard to all attendant circumstances including the nature of offence, number of accused and witnesses, the work-load of the court concerned, prevailing local conditions, i.e., that which is termed as “systemic delays”. In sum, the guideline formulated is to balance and weigh all relevant factors.

7.3 These and other guidelines formulated by the Supreme Court in *Abdul Rehan Antulay*'s case continue to hold good. As a matter of fact, a seven-judges bench of the Supreme Court in the case of *P.Ramachandra Rao* was called to rule as to whether courts could prescribe a period of limitation which if crossed would lead to termination of legal proceedings. The seven-judges bench of the Supreme Court reiterated the ratio of the judgment of the Constitution Bench in *Abdul Rehman Antulay*'s case and in particular, ruled in line with the said judgment that it was neither advisable nor practicable to provide for a period of limitation.

7.4 Therefore, Mr. Jasmeet Singh, in my view, is right in his contention that if, no limitation can be prescribed for investigation, enquiry and trial of a criminal matter, it cannot be prescribed even for adjudication, under a statute, providing for penal consequences.

7.5 Having said so, what needs to be noticed is that the guidelines formulated in *Abdul Rehman Antulay*'s case have not only been reiterated qua criminal cases by courts in later judgments (for example see *Lokesh Kumar Jain*'s case) but also qua adjudication under economic laws.

7.6 There are two judgments on this aspect of the matter. The first judgment is of the Division Bench of the Bombay High Court in the case of *Smita A. Patel* where a Division Bench quashed adjudication proceedings under FERA due to a colossal delay of 16 years. The Division Bench ruled that such delay resulted in mental and physical and harassment to the petitioner, in that case. The proceedings were quashed and costs in the sum of Rs.15,000/- were awarded to the petitioner.

7.7 A similar view was taken by yet another Division Bench of the Bombay High Court in *Shrish Harshavadan Shah*'s case. In this case,

once again, the court quashed proceedings and while doing so, made the following apposite observations :-

“..9. Having heard rival parties, it is not in dispute that the respondent No.1, by the impugned action is seeking to adjudicate upon the matters which took place in the year 1980-82 and for the first time, the notices were issued after lapse of more than 12 years.

10. It is no doubt true that no period of limitation in the Statute to complete the adjudication proceeding is prescribed. But the Apex Court in the case of *Government of India Vs. The Citedal Fine Pharmaceuticals Madras and Ors*, 1989 (42) E.L.T. 515 (S.C.) = AIR 1989 SC 1771 was pleased to rule that in absence of any period of limitation, it is settled that every Authority is to exercise the power within a reasonable period. What would be reasonable period would depend upon the facts of each case. No hard and fast rules can be laid down in this regard as the determination of the question will depend upon the facts of each case.

11. Having taken survey of the law holding the field, the factual matrix of the case in hand, unequivocally go to show that the impugned action is sought to be taken after lapse of period of more than 12 years to adjudicate upon acts and omissions alleged to have been committed in the year 1982. No justification is placed on record to justify inaction for such a long period of 12 years for which petitioner is definitely not responsible..”

7.8 A single judge of our court in the case of ***R.P. Nanda*** has based on the judgments of the Supreme Court quashed the disciplinary proceedings at the charge-sheet stage in exercise of power under Article 226, on account of unexplained delay.

7.9 As a matter of fact, in the case of ***Eskay Electronics (I) Pvt. Ltd. and Ors. Vs. P.K. Khera, Superintendent, Central Excise, Preventive, Delhi*** dealing with prosecution under the Central Excise Act , I had an

occasion to examine, various judgments of the Supreme Court, to which, I have already made a reference above.

8. Based on the facts and circumstances obtaining in that case, I found merit in the plea of the accused that the delay in that case which was not attributable to the accused had violated his fundamental right to speedy trial under Article 21 of the Constitution. The proceedings in that case, were, accordingly, quashed.

9. In the present case, what emerges from the record is clearly this, that the respondents from very inception have procrastinated in prosecuting the case unmindful of the detriment that it would cause to the petitioner.

9.1 In this context, the following periods of delay, which are not denied, are easily captured.

(i). Though the raid and search on the Minto Road premises was conducted on 18.05.1995, the SCN dated 14.11.1995, was served on the petitioner, only on, 17.07.1997.

(ii). Concededly, the SCN was not accompanied with, the relied upon documents. Despite several requests made by the petitioner, vide letters dated 13.08.1997, 24.01.1998 and 23.10.1998, the relied upon documents were not supplied. While, the respondents have taken the stand that they did not receive, at their end, the letter dated 24.01.1998, there is a reference to the said letter in the reply sent on behalf of the petitioner, on 23.10.1998. The petitioner has placed on record the copies of the postal receipts.

(iii). The respondents instead of supplying the relied upon documents straightaway to the petitioner vide communication dated 19.11.1998 asked him to collect the same from their Zonal Office at Delhi.

(iv). The petitioner's request that he be intimated the amount to be sent in that behalf and the person in whose favour the draft had to be drawn, went unheeded.

(v). Admittedly, the relied upon documents were supplied by the respondents only on 17.03.2004. From the date of search, by this time, nine (9) years had elapsed.

(vi). According to the respondents, upon receipt of the petitioner's reply dated 27.07.2004, effective proceedings were held for the first time on 17.10.2005; which was a decade after the occurrence of the alleged infraction of the law by the petitioner.

(vii). On the request of the petitioner, opportunity was granted to cross-examine only the official witnesses, that too, after 14 months i.e., 20.12.2006.

(viii). From there on, till 15.10.2013, which is a period of nearly 7 years, the respondents, in a manner of speech, went into a state of comatose. The proceedings were resurrected, which led to a spate of correspondence, to which I have made a reference above.

10. In this circumstances, can it be said that the petitioner was responsible for delay in conclusion of the adjudicatory process. In my view, the answer has to be in the negative. The petitioner, was entitled in law to seek copies of the relied upon documents. The fact that respondents admittedly kept them back till March 2004 clearly shows that either they lacked, for whatever reasons, the interest to prosecute the petitioner or, they had no actionable case against the petitioner.

10.1 The events post 2004 only re-emphasised this aspect of the matter. The petitioner, in the meanwhile, has not only advanced in his age (he is, as per the affidavit 68 years of age) but has also lost, as claimed, crucial

evidence to prove his innocence.

10.2 Despite, repeated requests made on behalf of the petitioner to summon panch witnesses, the said request was declined by the respondents. This request attains significance as SCN proceeds on the basis as if the petitioner was the owner of the Minto Road premises. The premises, (since then demolished) was, concededly, a Government accommodation. The reason why the petitioner happened to visit the Minto Road premises would have, perhaps, come to light if, an opportunity was given to the petitioner to cross-examine the panch witnesses, who accompanied the official witnesses at the time of search.

10.3 Similarly, the production of co-noticees who allegedly received moneys distributed by the petitioner was equally important from the point of view of the petitioner. These persons have not been produced for cross-examination at least since 2004; despite a categorical request made in this behalf in the communication dated 27.07.2004 addressed by the petitioner's counsel to the respondents.

10.4 There were no answers forthcoming on behalf of the respondents on these aspects of the matter. There are no answers supplied in the counter affidavit as well. The reason for the same perhaps is, that these witnesses have either died or are not traceable. Either way, the dis-appearance of evidence which could be crucial to the petitioner's case has occurred on account of the delay on the part of the respondents in concluding the adjudicatory process with due expedition.

11. In these circumstances, I have no hesitation in reaching the conclusion that the adjudication cannot proceed any further on account of undue and unexplained delay in concluding the proceedings. Accordingly, the adjudication proceedings, which commenced vide memorandum dated

14.11.1995, are quashed. The necessary consequences of this would be that the respondents will have to release the sum of Rs.7 lakhs seized from the petitioner, as it cannot be confiscated sans adjudication. It is ordered accordingly.

11.1 The prayer for interest on the seized amount is, however, declined, on the ground that there was no demand made in respect of the same at any stage of the proceedings.

12. Parties shall, however, bear their respective costs in the matter.

13. With the aforesaid observations in place, the captioned petition and the pending application are disposed of.

RAJIV SHAKDHER, J

MAY 06, 2015

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