

**THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**WRIT PETITION No.41781 of 2015**

**ORDER:**

Heard learned counsel for the petitioner and the learned Assistant Solicitor General appearing for respondent No.1 and the learned Standing Counsel appearing for respondent Nos.2 and 3.

2. The present writ petition is directed against the order passed by the Adjudicating Authority in O.C.No.341 of 2014 dated 30.5.2015 and for consequential directions.

3. As seen from the affidavit, the grievance is against the provisional attachment and confirmation order by the Adjudicating Authority. However, petitioner has already invoked the remedy available to it under Section 26 of the Prevention of Money-Laundering Act, 2002 (for short, "the Act") and has preferred an appeal which is now pending before the appellate Tribunal. The said appeal appears to have been preferred on 3.7.2015 on the grounds which are raised in this writ petition.

4. *Prima facie*, evidently, since the petitioner has invoked efficacious alternative remedy, there is no reason to entertain the present writ petition against the Adjudicating Authority's order.

However, learned counsel for the petitioner requests to give a direction to the appellate Tribunal for early hearing and disposal of the appeal in view of Section 26(6) of the Act, which provides that such appeal be heard and disposed of by the appellate Tribunal preferably, within a period of six (6) months from the date of filing of the appeal.

5. Learned Standing counsel appearing for respondent Nos.2 and 3 states that at request, the appeal was posted to hearing on 15.7.2015

where it was adjourned to enable the petitioner to file counter and thereafter, it was posted to 23.9.2015 and 26.11.2015. On that day, it was adjourned at the petitioner's request and now, the date is fixed to 24.2.2016 for hearing.

6. Both the learned counsel submits that pleadings in the said appeal are complete and the matter may be heard by the appellate Tribunal and disposed of on the date it is scheduled.

7. In these circumstances, keeping in view the provisions of Section 26(6) of the Act referred to above, in my view, the appellate Tribunal has already fixed the date of hearing which is well within the period prescribed. After hearing is over, the appellate Tribunal shall pass appropriate orders in the said appeal.

8. Accordingly, the Writ Petition is disposed of leaving it open to the petitioner as well as respondent Nos.2 and 3 to urge all their contentions before the appellate Tribunal, as the appeal of the petitioner is already scheduled to be heard on 24.2.2016 and will be disposed of shortly thereon. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

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**JUSTICE VILAS V.AFZULPURKAR**

Date: 04.01.2016

AMD

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**DATE: 04.01.2016**

AMD