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

+ LPA 26/2016 & C.M.No.1332/2016 (*stay*)

THE JOINT DIRECTOR DIRECTORATE
OF ENFORCEMENT

..... Appellant

Through: Mr.Amit Mahajan, CGSC with
Mr.Nitya Sharma, Adv.

Versus

M/S THE INDIA CEMENT LIMITED & ORS Respondents

Through: Mr.Sandeep Sethi, Sr.Adv. with
Mr.Amol Chitale, Mr.Nirnimesh Dubey,
Mr.Shubham Jaiswal, Adv. for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **22.03.2016**

C.M.No.1334/2016(delay in filing)

Heard. In view of the facts and circumstances explained in the application, the delay in filing the appeal is condoned and the application is disposed of.

LPA No.26/2016

1. This appeal is preferred against the order of the learned Single Judge dated 05.11.2015 in W.P.(C) No.9361/2015.
2. The respondent No.2 in the writ petition/Joint Director, Directorate of Enforcement, Government of India is the appellant before us.
3. The respondent No.1 herein filed the said writ petition assailing the order dated 04.08.2015 passed by the Adjudicating Authority under the Prevention of Money Laundering Act, 2002 (for short 'the Act') recording a *prima facie* finding that the writ petitioner had committed the scheduled offence and accordingly confirming the provisional attachment of the properties of the writ petitioner under

the provisions of the said Act. The preliminary objection raised by the appellant herein regarding maintainability of the writ petition in this Court on the ground that the writ petitioner is situated at Chennai, was rejected by the learned Single Judge and by the order under appeal, the writ petition was disposed of with a direction to the appellant herein to treat the writ petition as the representation of the writ petitioner for substitution of the property attached and to pass a reasoned order after giving an opportunity of hearing to the writ petitioner.

4. The said order is assailed in the present appeal primarily on the ground that the conclusion of the learned Single Judge that this Court has territorial jurisdiction is erroneous.

5. Having heard the learned counsel for both the parties, we do not find any justifiable reason to interfere with the order under appeal particularly, in view of the fact that it was clarified by the learned Single Judge that the order which has been passed in peculiar facts shall not be treated as precedence.

6. Having regard to the fact that the time granted by the learned Single Judge for consideration of the request of the writ petitioner/respondent No.1 herein for substitution of property attached has already expired, we direct that the appellant herein shall consider the request of the writ petitioner/respondent No.1 herein in terms of the directions in the order under appeal within two weeks from today.

7. The appeal is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MARCH 22, 2016

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