

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.1857 of 2017

P.Karuppusamy

... Petitioner

vs.

1. The Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
2nd & 3rd Floor,
Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.
 2. The Assistant Director,
Directorate of Enforcement,
Shastri Bhavan,
3rd Floor, 3rd Block,
No.26, Haddows Road,
Chennai 600 006.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to raise the attachment in respect of the spinning mill building and machineries by modifying the attachment order passed in F.No.ECIR-03/CEZO/PMLA/2011 (VSK), dated 01.06.2015.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.G.Hema

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents to raise the attachment in respect of the spinning mill building and machineries by modifying the attachment order passed in F.No.ECIR-03/CEZO/PMLA/2011 (VSK), dated 01.06.2015.

2. According to the petitioner, he took over the petitioner spinning mill by purchasing 70% of its shares. While so, one Srinivasan approached the petitioner for purchase of the

said spinning mill by way of purchasing shares and in that regard, both the petitioner and Srinivasan entered into an agreement and the latter paid a sum of Rs.3.58 crores out of the total consideration of Rs.12.5 crores. The said Srinivasan was arrested for the reason that he produced forged documents and obtained loan for several crores of rupees from Global Trade Finance. Thereafter, the respondents herein invoked the provisions of Prevention of Money Laundering Act, 2002 and took possession of the petitioner's spinning Mill and passed an order of provisional attachment vide proceedings No.14/2014, dated 22.09.2014 invoking Section 5(1) of the said Act.

3. In this regard, the petitioner initiated Arbitration proceedings and succeeded in it, against which, the said Srinivasan preferred an appeal before the District Court, Coimbatore, which got to be dismissed. Aggrieved by the same, the said Srinivasan preferred C.M.A.No.3109 of 2012, which was dismissed on 15.06.2015 and the SLP filed by him before the Apex Court in SLP No.33717 of 2015 also got to be dismissed on 11.12.2015.

4. The case of the petitioner is that though he succeeded in the Arbitration proceedings and CMA proceedings, the provisional order of attachment passed by the respondents is still in force and that the confirmation order is under challenge before the PML, Appellate Tribunal, New Delhi. Hence, contending that the confirmation of the provisional attachment order dated 22.09.2014 passed by the respondents is not valid in law, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Today, when the matter is taken up for hearing, learned counsel for the petitioner submitted that the confirmation order has been challenged before the PML, Appellate Tribunal, New Delhi and that the matter is posted for hearing on 31.01.2017.

7. In view of the above, the respondents herein are directed to co-operate in the immediate taking up of the matter before the PML, Appellate Tribunal, New Delhi and the Appellate Tribunal, New Delhi, is requested to dispose of the matter in connection with the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above observation. No costs. Consequently, connected W.M.P.No.1853 of 2017 is closed.

s/d-
Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To:

1. The Joint Director,
Enforcement Directorate,
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No.26, Haddows Road,
Chennai 600 006.
 3. The PML, Appellate Tribunal, New Delhi.
- +1 CC to M/s. C. Prabakaran, Advocate sr 5204

सत्यमेव जयते

Order in
W.P.No.1857 of 2017

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