

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.26363 of 2016

ORDER: (per SK,J)

Challenge in this writ petition filed by the ICICI Bank Limited is to the Provisional Attachment Order dated 31.03.2010 passed by the Directorate of Enforcement, Hyderabad, in so far as it related to Plot No.20, Nandagiri Hills Layout, Shaikpet Village, Jubilee Hills, Hyderabad, which was offered as a security interest to it.

Sri P.S.P. Suresh Kumar, learned counsel for the Directorate of Enforcement, would point out that the challenge in this writ petition is to an order which was passed under Section 5 of the Prevention of Money-laundering Act, 2002 (for short, 'the Act of 2002'), and that the said order was operative for a period of 150 days in terms of the statutory provision as it then stood. Learned counsel would further submit that the Directorate of Enforcement filed a complaint in accordance with Section 5(5) of the Act of 2002 and thereupon, the Adjudicating Authority constituted under the Act of 2002 confirmed the provisional attachment vide order dated 12.08.2010. He would therefore submit that this writ petition is not maintainable.

We find merit in this submission. Section 5(1) of the Act of 2002 makes it clear that the provisional attachment affected thereunder would not be for a period exceeding 150 days, as the provision then stood. That being so, the Provisional Attachment Order, which is now subjected to challenge, ceased to be operative long ago.

The writ petition is therefore utterly misconceived and is accordingly dismissed on this short ground. We make it clear that we

have not gone into the merits of the writ petition and it is for the petitioner to invoke such remedies as are available to it in law if it is aggrieved by the attachment.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:04.07.2017

GJ

