

252

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision : 11.10.2017

1.

CWP-14163-2017

Geoxa Steels Private Limited and another

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

2.

CWP-10751-2017

Bhawna Kirpal

... Petitioner(s)

Versus

Directorate of Enforcement and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate
for the petitioner(s) in CWP-14163-2017.

Mr. B.B. Bagga, Advocate
for the petitioner(s) in CWP-10751-2017.

Mr. Arun Gosain, Sr. Standing Counsel,
for respondent Nos.1 and 2 in CWP-14163-2017 and
for respondent No.1 in CWP No.10751-2017.

Mr. Sumeet Goel, Advocate
for respondent No.2 in CWP-10751-2017.

Mr. Sumeet Bector, Advocate
for respondent No.3 in CWP-14163-2017.

AJAY KUMAR MITTAL, J. (ORAL)

In compliance of the order dated 26.09.2017, Dr. Davinder

Singhai, Member (Administration)/Adjudicating Authority, is present in Court and has been heard.

2. This order shall dispose of two writ petitions bearing **CWP Nos.14163 & 10751 of 2017**, as according to the learned counsel for the parties, the issues involved therein, are identical. For brevity, the facts are being taken from **CWP No.14163 of 2017**.

2. The petitioner(s) have approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari, quashing the impugned order dated 07.04.2017 (Annexure P-11), whereby respondent No.2 has illegally ordered freezing of cash credit-loan account No.0340131530618 of petitioner No.1. A further writ of *mandamus* has been sought for directing the official respondents to take immediate decision on the representations dated 02.05.2017 & 23.06.2017 (Annexures P-8 & P-10)

3. Learned counsel for respondent Nos.1 and 2/Union of India pointed out that during the pendency of the present writ petition, the Adjudicating Authority/respondent No.4 has passed the order under Section 8 of the Prevention of Money Laundering Act, 2002 (in short 'the Act') on 12.09.2017, whereby the prayer for de-freezing the account has been declined. It has further been pointed out that the said order passed by the Adjudicating Authority is appealable under Section 26 of the Act, for which, the limitation is still subsisting.

4. After hearing learned counsel for the parties, perusing the averments made in the writ petition and without expressing any opinion on

the merits of the controversy, we dispose of the writ petitions by relegating the petitioner(s) to file the statutory appeal(s), in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

11.10.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No