IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3330 OF 2018

Anup Jhunjhunwala } Petitioner
versus
The Union of India and Ors. } Respondents

Mr. Prakash Shah with Ms. Neha Ahuja i/b. M/s. PDS Legal for the petitioner.

Mr. Bharadwaj with Mr. Dhupesh R. Shah for respondent no. 4.

Mr. Pradeep S. Jetly for respondent nos. 1 to 3.

CORAM :- S. C. DHARMADHIKARI &
PRAKASH. D. NAIK, JJ.

DATED :- MARCH 27, 2018

P.C. :-

1. This writ petition under Article 226 of the Constitution of India challenges the action of freezing of a current account in the name of Pooja Enterprises with Bank of Maharashtra, Zaveri Bazar Branch, Mumbai and a current account in the name of Anup Enterprises with Akola Urban Co-operative Bank, Kalbadevi Branch, Mumbai.

2. The third respondent to this petition is the Additional Director General and the second respondent is the Additional

Director General (Adjudication). Both of these are functioning under the Directorate of Revenue Intelligence. The petitioner has impleaded the first respondent-Union of India through the Directorate of Revenue Intelligence. The fourth respondent to this petition was impleaded on the footing that at his behest the whole action is initiated by respondent no. 3. That is why, during the course of arguments, we posed several queries and particularly those noted on 19th March, 2018.

3. Today, when this matter was called out, Mr. Bharadwaj appearing for respondent no. 4, namely, the Enforcement Directorate has tendered an affidavit. In that affidavit, it is stated that once the Directorate is entrusted with the task of implementing the provisions of the Prevention of Money Laundering Act, 2002, it is this Directorate, which has initiated the investigations and they be allowed to be taken to their logical end.

4. Mr. Prakash Shah fairly concedes that during the pendency of this petition, the Directorate General of Revenue Intelligence and stated to be functioning under the Customs Act, 1962 has not pursued the attachment levied. It has not done anything and possibly that attachment does not survive. More so, in the light of the affidavit tendered today and taken on record. In these

circumstances, Mr. Shah has been instructed not to press this petition against respondent nos. 1 to 3, but to pursue the challenge to the attachment/seizure by the Directorate of Enforcement in appropriate proceedings. Mr. Shah, therefore, says that this petition can be disposed of by keeping alive that limited challenge.

5. Accepting the statements of Mr. Shah, we dispose of this petition with a clarification that the petitioner will be at liberty to challenge all the actions of the Enforcement Directorate, particularly under the Prevention of Money Laundering Act, 2002. All contentions of both sides in relation thereto are kept open.

6. It is undisputed before us that the Directorate of Revenue Intelligence, though initially levied an attachment, is now no longer pursuing it and that attachment can be taken to have been raised.

(PRAKASH.D.NAIK, J.) **(S.C.DHARMADHIKARI, J.)**