

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1269/2017

Union of India

Through the Assistant Director

... Appellant

V/s.

M/s. Tata Capital Financial Services Ltd.

... Respondent

Mr. A. J. Rana, Senior Advocate i/b. D. P. Singh for the Appellant

Ms. Benedicta Lobo i/b. Kataria and Associate for the Respondent

**CORAM: K.K. TATED &
S. K. SHINDE, JJ.**

DATED : SEPTEMBER 12, 2018

P.C. :

1 Heard. After arguing for some time, both the parties filed minutes of order dated 12.09.2018. Same are taken on record and marked "X" for identification, which read thus:

MINUTES OF ORDER

1. First Appeal No. 1269 of 2017 filed by the Appellant has been admitted by Order dated 27.08.2018.
2. The Appeal was filed against Order dated 17.04.2017 passed by the Appellate Tribunal, the Prevention of Money Laundering Act at New Delhi.
3. The Id. Tribunal by impugned Order has set aside the adjudication Order dated 12.01.2016 as well as the provisional

**Basavraj
Gurappa
Patil**

Basavraj G. Patil

1/3

attachment Order dated 25.03.2015. By the Attachment Order the Competent Authority as well as the Adjudicating Authority had attached 8844.08 acres of land in Andhra Pradesh in exercise of power under the Prevention of Money Laundering Act, 2002 (hereinafter referred as to said Act)

4. By the impugned Order, Ld. Tribunal has set aside the attachment Order on the ground that the authority under the said Act had failed to obtain permission of this Hon'ble Court, which had appointed Court Receiver by Order dated 23.07.2014 in Arbitration Petition No. 1126 of 2014 filed by the Respondent against Indu Project Ltd. and others.

5. The Court Receiver had taken symbolic possession of 204.41 acres of land which were mortgaged to the Respondent by the said Indu Project Ltd. who were the Respondent in the said Arbitration Petition.

6. The said 204.41 acres of land formed part of said 8844.01 acres of land which were attached.

7. By Order dated 05.04.2018 passed by this Hon'ble Court in the said Arbitration Petition No. 1126 of 2014 the Respondents in the present Appeal were allowed to withdraw the said Arbitration Petition and Court Receiver was discharged.

8. In the impugned Order, the Tribunal itself in paragraph 48 has observed that if the authorities under the said Act wished to attach the property in question they were at liberty to approach this Hon'ble Court seeking permission of this Hon'ble Court to attach the property.

9. In view of the fact that the Arbitration Petition itself has been withdrawn and Court Receiver has been discharged, there is no impediment for attaching the property and authorities under the said Act are not required to obtain any permission from this Hon'ble Court.

10. The Appellants have already filed an Affidavit to the effect that the Appellant Department will not initiate any action against the Respondent under the said Act in respect of 204.41 acres of land which was involved in the said Arbitration Petition and the present Appeal.

11. In the premises aforesaid the impugned Order dated 17.04.2017 be set aside.”

2 The First Appeal stands disposed of in terms of the minutes of order. No order as to costs.

(S. K. SHINDE, J.)

(K. K. TATED, J.)