

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-8564-2018

Date of Decision: April 05, 2018

Leela Kirpal

.....Petitioner

Versus

Assistant Director, Directorate of Enforcement

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SHEKHER DHAWAN

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 1. | To be referred to the Reporters or not?                               | Yes/No  |
| 2. | Whether the judgment should be reported in the Digest?                | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No  |

.....

Present: Mr.Saurabh Kapoor, Advocate for the petitioner.

.....

**SURYA KANT, J.**

Notice of motion.

[2] On our asking, Ms.Ranjana Shahi, Advocate, who is present in Court, accepts notice on behalf of the respondent-ED.

[3] The grievance of the petitioner in the instant writ petition is against the Notice dated 15.03.2018 (Annexure P-8) which has been issued in purported exercise of powers under Section 8(4) of the Prevention of Money Laundering Act, 2002 (for brevity,'the 2002 Act'). In fact a perusal of the impugned Notice reveals that it is not addressed to the present petitioner (Leela Kirpal wife of Kaushal Nath Kirpal), rather the same is addressed to Gaurav Kirpal, Mrs.Bhawna Kirpal and Aman Kirpal, who are

family members of the petitioner. The impugned Notice further reveals that an order under Section 17 of the 2002 Act was passed for freezing the immovable properties and the Adjudicating Authority has confirmed the said order on 12.09.2017 passed in OA No.93 of 2017. It is further revealed that the E.D. has asked Gaurav Kirpal, Mrs.Bhawna Kirpal and Aman Kirpal to vacate three properties which have already been freezed vide order, referred to above. These properties include Villa No.14A, Janpath Estate, Canal Road, Ludhiana. The petitioner claims that the above-stated Villa No.14A, Janpath Estate, Canal Road, Ludhiana, is owned by her and not by Gaurav Kirpal, Mrs.Bhawna Kirpal or Aman Kirpal.

[4] We have heard learned counsel for the parties. The question whether the freezed property is owned by the petitioner or whether she was heard or not before the order of freezing of such property was passed are essentially question of facts which she can effectively raise by way of a reply to the impugned Notice dated 15.03.2018. Needless to say that such factual issues will be gone into by the Competent Authority before taking a final decision in the matter.

[5] The writ petition is, accordingly, disposed of with liberty to the petitioner to submit a reply to the impugned Notice dated 15.03.2018 within a period of one week from the date of receipt of a certified copy of this order alongwith copies of relevant documents including of the title deed. The said representation shall be considered and decided by the Competent Authority within two weeks thereafter. If still aggrieved, the petitioner shall be at liberty to approach the appropriate Forum in accordance with law.

for the respondent for information and compliance.

( SURYA KANT )  
JUDGE

April 05, 2018  
meenuss

( SHEKHER DHAWAN )  
JUDGE

- |    |                             |        |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ?        | Yes/No |