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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11943/2018 & CM No. 46271/2018

M/S PRAKASH INDUSTRIES LIMITED Petitioner

Through: Mr Akhil Sibal, Sr. Advocate with Mr
Rohit Choudhry, Ms Preeti Kohli, Mr
Pradeep Chhindra and Ms Shreya
Mishra, Advocates.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr Amit Mahajan, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.11.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) To direct the Directorate of Enforcement not to conduct any actions of seizure/attachment of any movable/immovable property of the Petitioner or others under the Prevention of Money Laundering Act, 2002 w.r.f. ECIR/03/CDZO/2014 dated 29.12.2014, as no proceeds of crime have been derived or obtained out of the alleged predicate offence.

(b) Quashing the Seizure Memo dt. 23.11.2016 under Section 17(1) of PMLA, 2002, the OA No.63 of 2016 dated 21.12.2016 and the final order dated 05.04.2017 passed by the Learned Adjudicating Authority in OA No.63/2016, as the initial action itself was illegal.”

2. Respondent no.2 (Directorate of Enforcement) has registered an ECIR dated 29.12.2014 based on a FIR dated 26.03.2014 filed by the CBI. The allegation against the petitioner company is that it had obtained the

allotment of coal block for captive consumption by misrepresentation of its networth. This allegation is stoutly contested by the petitioner. Admittedly, the closure report in regard to the FIR (FIR No.RC219 2014 E-0002 dated 26.03.2014) has been filed, wherein it has been stated that the investigations have revealed that there is no offence committed by the petitioner. The said closure report is pending consideration before the Special Judge, CBI, (Coal Blocks Allocation Cases), Patiala House Courts, New Delhi.

3. *Prima facie*, it is difficult to understand the action now being proposed by respondent no.2 after more than four years of filing of said FIR. This Court was otherwise inclined to entertain this petition. However, it is pointed out that an appeal (FPA PMLA 1781/CHD/2017) has already been preferred before the Appellate Tribunal against an order of the Adjudicating Authority passed on 05.04.2017. Undisputedly, the issues raised in the said appeal are similar to those raised present petition. In view of the aforesaid, this Court does not consider it apposite to entertain this petition.

4. However, the Appellate Tribunal is requested to consider the petitioner's appeal as expeditiously as possible and preferably within a period of eight weeks from today.

5. In the event, respondent no.2 takes any further action, the petitioner is at liberty to apply.

6. The petition is disposed of in the aforesaid terms. The pending application stands disposed of.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 12, 2018/MK