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

+ **W.P.(C) 13645/2018**

MR. GULFAM AHMED

..... Petitioner

Through Mr R.M. Tufail, Ms Astha, Mr Farooq Chaudhary, Ms Meenakshi Joshi, Mr Nahid Nasir, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr Anil Soni, CGSC with Mr Abhinav Tyagi, Advocate for R1/UOI.
Mr Amit Mahajan, CGSC with
Mr Randeep Sachdeva, Advocates for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.12.2018

CM APPL. 53188/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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

“pass an order to restore the possession of the said property to the petitioner and impugned order dated 28-11-2018 to be quashed passed by the Learned appellate tribunal in O.C. No. 927/18.”

4. The petitioner is, essentially, aggrieved of being dispossessed from

his residential house – house No. 427, Sant Nagar, East of Kailash, New Delhi-110065. The said property was *inter alia* provisionally attached by an order dated 20.03.2018 passed by the Deputy Director, Directorate of Enforcement. Subsequently, a show cause notice is issued to the petitioner under Section 8 of the Prevention of Money Laundering Act, 2002 (hereafter ‘PMLA’) and the said issue with regard to the attachment of the said property was considered by the Adjudicating Authority and the provisional attachment order was confirmed. The petitioner has filed an appeal against the decision of the Adjudicating Authority before the Appellate Tribunal constituted under the PMLA, which is pending.

5. In view of the above, this Court does not consider it apposite to interfere with the said proceedings at this stage leaving it open for the petitioner to urge all its contentions before the Appellate Tribunal.

6. Mr Tufail, the learned counsel appearing for the petitioner submits that respondents have a policy whereby they lease back properties, possession of which have been recovered, pending the final adjudication of the issues.

7. In view of the above, it is clarified that it would be open for the petitioner to make an application to lease the property in question to the concerned authority. Needless to state that if such an application is made, the same would be duly considered.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

DECEMBER 17, 2018/pkv