

(SAFEMA) be quashed and set aside. The order dated 28th March, 2017 and 18th March, 2018 dismissing the Appeal FPA-5/BOM/2014 passed by respondent no. 3 is also to be quashed and set aside.

2. The learned counsel for the petitioner submitted that the petitioner has purchased this flat in the year 2000 and notice was issued thereafter in the year 2012 so how this property can be covered as a property purchased out of illegal money in SAFEMA. He has further submitted that no opportunity was given to the petitioner to argue and put up her case, which is the requirement under section 6 of SAFEMA. He has submitted that after issuance of notice when the matter was placed before the Appellate Authority and Competent Authority, the main accused Ajit Satam was challenging the detention order and the same proceedings was pending before the High Court and so also before the Supreme Court, therefore the request was made to the Appellate Tribunal and Competent Authority passed the order without giving any opportunity to the petitioner to argue. The show cause notice was given and at that time, the present petitioner has put up the reply in the said proceedings and the reply should have been

looked into in this proceedings by the Appellate Authority as well Competent Authority.

3. The learned counsel Mr. Venegaokar relied on the reply given by Stanley Joseph inspecting officer in the office of Competent Authority, SAFEMA. The learned counsel has submitted that under SAFEMA when notice under section 6 is received, the reply is to be filed within 35 days, however, no reply was filed by the petitioner within 35 days and thereafter also in the said proceedings, no say was filed. He has relied on paragraph 5 clause no. 4 of the said reply of Stanley Joseph and argued that the personal hearing opportunity was given on 11th January, 2013, time was sought by the affected person, i.e., present petitioner and matter was scheduled for hearing reply on 31st January, 2013. Time was sought and it was granted till 13th June, 2013. Thereafter on the said date, time was sought and granted till last week of August, 2013. Again the matter was adjourned at the request of the petitioner till September, 2013. It went on till November, 2013 and finally the order was passed on 21st April, 2014 by the Competent authority after giving sufficient opportunity to the petitioner. He has further submitted that in the order dated

8th March, 2018 the Appellate Authority has also considered all these aspects when on 26th September, 2013, one of the appellants appeared for personal hearing and sought time. Thus, the total time of one year and 10 months was granted for giving reply and arguing the matter, to the petitioner. However, the petitioner failed to file reply and argue the matter.

4. Perused the record and proceedings, so also the order dated 21st April, 2014, order dated 8th March, 2018 and reply of Stanley Joseph. Considered the submissions. It appears from the record that the notice was issued by the Investigating agency to the petitioner. The petitioner was called upon to file her reply. It is a matter of record that the petitioner did not file her reply within 35 days. It is also a matter of record that on number of days, the adjournment was sought by the petitioner to place her submissions and the documents on record. As submitted by the learned counsel for the petitioner, earlier there was proceeding in the year 2008 under SAFEMA in respect of this property and in the said proceeding, the petitioner might have given the details of from which source she purchased the said property. However, the reply given in that proceedings cannot be adopted in the present

proceedings unless the petitioner herself placed the same reply on record by adopting it. Moreover, no stay was granted to the proceedings by the High Court and Supreme Court, under such circumstances, the orders passed by the Competent Authority and Appellate Authority is not faulted with. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)