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

\+ CRL.A. 55/2019 and CRL.M.A. 1204/2019

ALLAHABAD BANK ..... Appellant

Through: Mr Rajesh Kumar Gautam, Ms Sakshi Gaur and Mr Sorabh Dahiya, Advocates.

versus

THE DIRECTOR FINANCIAL INTELLIGENCE UNIT-INDIA ..... Respondent

Through: Mr Satish Aggarwala, Senior Standing Counsel with Mr Gagan Vaswani and Ms Radhika Narang, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **23.08.2019**

1. The appellant has filed the present appeal under Section 42 of the Prevention of Money Laundering Act, 2002 (hereafter 'the Act') impugning the judgment dated 28.06.2017, passed by the Appellate Tribunal. Section 42 of the Act is set out below:-

> "**42. Appeal to High Court**.- Any person aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to him on any question of law or fact arising out of such order:
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> Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

Explanation.-For the purposes of this section, "High Court" means-

(i) The High Court within the jurisdiction of which the aggrieved party ordinarily resides or carries on business or personally works for gain; and

(ii) Where the Central Government is the aggrieved party, the High Court within the jurisdiction of which the respondent, or in a case where there are more than one respondent, any of the respondents, ordinarily resides or carries on business or personally works for gain.

2. The present appeal was filed in January, 2019 which is beyond the period of sixty days as specified under Section 42 of the Act. The plain reading of the proviso to Section 42 indicates that the Court may allow the appeal to be filed within a further period not exceeding sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal. However, the word "not exceeding sixty days" clearly indicates that the power of the Court to condone the delay is limited to a period of sixty days and does not extend to condoning delay beyond the said period.

3. In the present case, the appeal has been filed beyond the period of one hundred and twenty days from the date of the impugned order.

4. In ***Union of India v. Popular Construction Co.: AIR 2001 SC 410***, the Supreme Court had observed as under:-

1. "Thus, where the legislature prescribed a special limitation for the purpose of the appeal and the period of limitation of 60 days was to be computed after taking the aid of Sections 4, 5 and 12 of the Limitation Act, the specific inclusion of these

> sections meant that to that extent only the provisions of the Limitation Act stood extended and the applicability of the other provisions, by necessary implication stood excluded.
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> As for as the language of Section 34 of the 1996 Act is concerned, the crucial words are 'but not thereafter' used in the proviso to sub-section (3). In our opinion, this phrase would amount to an express exclusion within the meaning of Section 29(2) of the Limitation Act, and would therefore bar the application of Section 5 of that Act. Parliament did not need to go further. To hold that the Court could entertain an application to set aside the Award beyond the extended period under the proviso, would render the phrase 'but not thereafter' wholly otiose. No principle of interpretation would justify such a result."

2. In view of the above, this Court is of the view that the delay in this case cannot be condoned as it is beyond the further period of sixty days, as specified under the proviso to Section 42 of the Act.

3. The appeal is, accordingly, dismissed. The pending application also stands disposed of.

VIBHU BAKHRU, J

AUGUST 23, 2019
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