

\$~38.

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

+ LPA 163/2019

BSE LTD

..... Appellant

Through: Ms.Surekha Raman, Adv.

Versus

ABDULLAH ALI BALSHARAF & ORS

..... Respondents

Through: Ms.Biswajit Bhattarcharya, Sr.Adv.
with Mr.Gurpreet Singh, Mr.Shivaang Gupta, Adv.
for R-1&2.

Mr.Amit Mahajan, CGSC with Mr.Randeep
Sachdeva, Ms.Mallika Hiremath, Adv. for R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

08.03.2019

%

Caveat No.233/2019

Since the learned counsel for the respondents have entered appearance, the caveat stands discharged.

C.Ms.No.10879-80/2019 (exemptions)

Allowed, subject to all just exceptions.

LPA No.163/2019

1. Challenging a finding recorded by the learned writ Court in its order dated 9th January, 2019 in W.P.(C) 3531/2018 and the observations contained in Para-93 thereof this appeal has been filed under Clause-10 of the Letters Patent Act. Para-93 of the impugned order reads as under:-

“93.It is seen that orders under Section 17 of the PMLA freezing the said shares and the amount released in the bank account of the petitioners has since been passed and,the petitioners have preferred an appeal before the Appellate Tribunal. Keeping this in view, no further orders are being passed and it would be open for the petitioners to seek appropriate remedy including compensation for any loss suffered by them on account of the illegal actions on the part of the respondents.”
(emphasis supplied)

2. It is the contention of the petitioner before us that nowhere in the order passed in the writ petition there is any indication of illegal action by the appellant/BSE and, therefore, the liberty granted for claiming damages against the appellant herein being one of the respondents in the writ petition is illegal and unsustainable.

3. The learned senior counsel appearing for the respondents refutes the aforesaid contention of the petitioner and submits that the matter is pending in appeal under Section 26 of the PMLA Act before the Appellate Authority, who shall consider the matter in accordance with law. That apart, the learned senior counsel submits that in the appeal pending, no compensation or damages has been claimed.

4. Considering the fact that the liberty has only been granted to the petitioner in the original writ petition to seek appropriate remedy including compensation and loss, if any suffered, at this stage, we are inclined to make any indulgence into the matter. In case any claim for damages or compensation is made, the appellant shall have liberty to take all such grounds as available to the appellant including the grounds as are canvassed in the appeal before us. The authority concerned is then expected to proceed

in the matter in accordance with law.

5. With the aforesaid observations, the appeal stands dismissed.

Dasti under the signature of the Court Master.

CHIEF JUSTICE

V. KAMESWAR RAO, J

MARCH 08, 2019

'anb'