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

+ W.P.(C) 5497/2019

ANUJ BANSAL

..... Petitioner

Through: Mr Mukesh Anand, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Amit Mahajan, CGSC with Ms
Mallika Hiremath, Advocate for
respondent.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.05.2019**

CM No.24141/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 5497/2019 & CM No.24140/2019

2. Issue notice. Mr Mahajan, learned standing counsel appearing for the respondents, accepts notice.

3. The petitioner has filed the present petition, *inter alia*, challenging the proceedings instituted by the Adjudicating Authority pursuant to a complaint dated 02.01.2018 filed by respondent no.2, under Section 16(3) of the Foreign Exchange Management Act, 1999 (FEMA). The petitioner also impugns a show cause notice dated 03.01.2018 issued by the concerned officer alleging contravention of the provisions of Section 3(b) of FEMA, read with Regulation 5(2)(c) of the Foreign Exchange Management (Manner of Receipt and Payment) Regulation, 2000.

4. The petitioner states that the search and seizure operations were conducted in the premises of the petitioner on 07.04.2014 and certain quantities of silver, silver articles, Indian currency and foreign currency were seized.

5. Insofar as Indian currency is concerned, the same was transferred to the Income Tax Authority. The only issue involved is with regard to silver and silver articles, which were seized by the respondent. The petitioner claims that he has submitted all the requisite details as called upon to do so by respondent no.2, and has repeatedly requested the respondent to release the said goods. However, the petitioner's request has not been acceded to, as yet. He submits that the show cause notice issued on 03.01.2018 and the proceedings are illegal and the goods seized do not fall within the scope of FEMA.

6. It is also stated that the petitioner had replied to the show cause notice on 25.01.2018; however, no further proceedings have taken place, thereafter. In view of the above, this Court is not inclined to entertain the present petition at this stage, as the show cause notice issued to the petitioner is yet to be adjudicated. The pending application is also disposed of.

7. However, given the facts of the present case, this Court directs the Adjudicating Authority to take a final decision as expeditiously as possible, and in any event within a period of six weeks from today after affording the petitioner a reasonable opportunity of hearing.

8. Order *dasti* under the signature of the Court Master.

VIBHU BAKHRU, J

MAY 20, 2019/MK