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

\+ **<u>W.P.(C) 6356/2018</u>**

M/S EXCEL POWMIN LTD ..... Petitioner

Through Mr Abhimanyu Bhandari, Ms Nattasha Garg, Mr Ahmed Said, Advocates.

versus

UNION OF INDIA & ANR ..... Respondents

Through Mr Amit Mahajan, CGSC with Ms Mallika Airema, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

<u>O R D E R</u>

% 22.05.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a provisional attachment order dated 29.12.2017 passed by the Enforcement Directorate under Section 5(1) of the Prevention of Money Laundering Act, 2002.

2. Mr Mahajan, learned counsel appearing for the respondent states that the ECIR as well as the FIR on which it is premised has been filed in Kolkata; the registered office of the petitioner company is located in Nagpur; and the properties attached are located in the State of Madhya Pradesh. He states that in view of Section 42 of the aforesaid Act, the High Court of Madhya Pradesh (Nagpur Bench) will have the jurisdiction to entertain any appeal against an order passed by the Appellate Tribunal. He submits that since no part of the cause of action has arisen in Delhi and in view of the decision of the Division Bench of this Court in ***Aasma***

Mohammed Farooq and Anr. V. Union of India and Ors.: W.P. (C) 12494/2018 decided on 05.12.2018, the petitioner be relegated to approach the concerned Court.

3. Since it appears that no part of the cause of action has arisen within the jurisdiction of this Court, it would not be apposite to entertain the present petition. The same is, accordingly, disposed of.

4. It is clarified that the petitioner is not precluded from approaching the concerned Court. The stay on the proceedings before the adjudicating authority shall continue for a further period of four weeks.

5. The petition is disposed of.

6. Order *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

MAY 22, 2019

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