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

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**CRL.A. 1270/2018**

**DIRECTORATE OF ENFORCEMENT** ..... Appellant

Through: Mr. Amit Mahajan, CGSC with  
Mr. Olson Naibe, Advocate

versus

**ARUN SURI**

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

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**20.02.2019**

**CRL.M.A.50705/2018**

Allowed, subject to all just exceptions. The application is disposed of.

**CRL.M.A.50706/2018**

For the reasons stated therein, delay in filing the appeal is condoned. Application is disposed of.

**CRL.A. 1270/2018 & CRL.M.A.50704/2018**

1. At the outset, learned CGSC fairly submitted that a Coordinate Bench of this Court, in CRL.A.294/2018, titled Union of India v. Gagandeep Singh, copy whereof is placed on record, had passed the following order:

“In proceedings under the Prevention of Money Laundering Act, 2002 (‘Act’ for short), Appellate Tribunal vide order of 16<sup>th</sup> May, 2017 has stayed the notice under Section 8(4) of the Act without recording any *prima facie*

satisfaction. Learned counsel for appellant submits that under the Act, there is no provision for passing interim orders as the appeal itself has to be disposed of by the Tribunal within a period of six months. It is pointed out that in the instant case, the next date of hearing before the Tribunal is 2<sup>nd</sup> July, 2019.

Upon hearing and on perusal of impugned order, I find that the statutory appeal against the impugned order lies before this Court and if the impugned order seeking possession of the attached property is stayed without recording *prima facie* satisfaction, then this Court cannot step into the shoes of the Tribunal to find out as to why the order under Section 8(4) of the Act has been stayed. Recording the reasons facilitates effective hearing in this appeal. Since the matter is now coming up before the Tribunal for final hearing on 2<sup>nd</sup> July, 2019, therefore, this Court is not inclined to interfere with the impugned order. But, it is made clear that in such like matters, the interim order ought to be informed with reasons.

Without going into the merits of the case, this appeal is disposed of with aforesaid clarification. The pending application is also disposed of. The concerned Tribunal be apprised of this order forthwith.”

2. The aforesaid order has been passed by the Coordinate Bench of this Court with certain observations and directions on the similar facts and circumstances which are requested to be passed in this matter also.

3. Accordingly, the appeal is disposed of with the same observations, directions and clarifications passed in

CRL.A.294/2018, titled Union of India v. Gagandeep Singh, except with the change of date before the Tribunal, which, in the present matter, is stated to be 31.7.2019. Pending application is also disposed of.

**CHANDER SHEKHAR, J**

**FEBRUARY 20, 2019**

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