

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

Date of Order: February 04, 2019

+ **CRL.A. 294/2018 & CRL.M.A. 4513/2018**

UNION OF INDIA

.....Appellant

Through: Mr. Amit Mahajan, CGSC with
Mr. Dhruv Pande, Advocate

Versus

GAGANDEEP SINGH

..... Respondent

Through: Mr. Faraz Khan, Advocate

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
(ORAL)

CRL.M.A.4514/2018 (Exemption)

Allowed subject to all just exceptions.

CRL.M.A. 4515/2018 (delay)

There is delay of 38 days in re-filing the accompanying appeal.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is disposed of.

CRL.M.A. 4512/2018 (delay)

There is delay of 65 days in filing the accompanying appeal.

Upon hearing, I find that averments made in the instant application

provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned.

The application is disposed of.

CRL.A. 294/2018 & CRL.M.A. 4513/2018

In proceedings under the Prevention of Money Laundering Act, 2002, Appellate Tribunal vide order of 16th May, 2017 has stayed the notice under Section 8(4) of the Prevention of Money Laundering Act, 2002 without recording any *prima facie* satisfaction. Learned counsel for appellant submits that under the Prevention of Money Laundering Act, 2002, 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 appeal is pending since May, 2017 and the next date of hearing before the Tribunal is 2nd 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 Prevention of Money Laundering Act, 2002, 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 2nd 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 concerned Tribunal be apprised of this order forthwith.

(SUNIL GAUR)
JUDGE

FEBRUARY 04, 2019

v

