

C.M.P. No. 10149 of 2020 in C.M.A.No.1581 of 2017

M.M.SUNDRESH, J.
and
R.HEMALATHA,J.

(Order of the Court was made by *M.M.SUNDRESH.,J*)

This petition has been taken up, upon hearing the learned counsel appearing for the petitioner and the respondent and on going through the affidavits filed.

2. Learned counsel appearing for the petitioner submitted that despite efforts having been made, the order passed by this Court towards furnishing the bank guarantee could not be complied with as there is some difficulty in identifying the correct authority in whose name such compliance will have to be made.

3. Learned counsel appearing for the respondent submitted that in the absence of any material to substantiate the said averment, the contentions raised cannot be countenanced. In any case, the case is pending before the designated Special Court (PMLA) in CC.No.58 of 2016 and the petitioner can very well approach the Special Court.

4. Learned counsel further submitted that on the earlier occasion, this Court found that in view of no instructions forthcoming to the petitioner's counsel from the petitioner in this petition, this Court declined to keep the matter pending though the same is posted for reporting compliance.

5. We do not wish to stand on the technicalities. Admittedly, the proceedings are pending before the designated Special Court (PMLA). Now, the petitioner in this petition wants to comply with the order passed. Permitting the said request would take care of the interest of both sides. After all, the adjudication can only be over after the appropriate orders are passed finally by the designated Special Court in CC No.58 of 2016.

6. In such view of the matter, we are not inclined to go into the factual assertions made by the petitioner and the denial on behalf of the respondent. Accordingly, the petitioner is granted a further period of four weeks from the date of receipt of a copy of this order to comply with the order passed on 29.08.2019. Such a compliance has to be reported by way of filing application before the designated Court in C.C. No.58 of 2016. The bank guarantee concerned will have to be

executed in the name of the Joint Director, Directorate of Enforcement, Chennai. We make it clear that no more extension will be granted in this regard.

7. Taking into consideration the fact that CC.No.58 of 2016 is pending for about four years, we call upon the designated Special Court (PMLA) to dispose of the same within a period of six months from the date of receipt of a copy of this order.

The miscellaneous petition stands ordered accordingly.

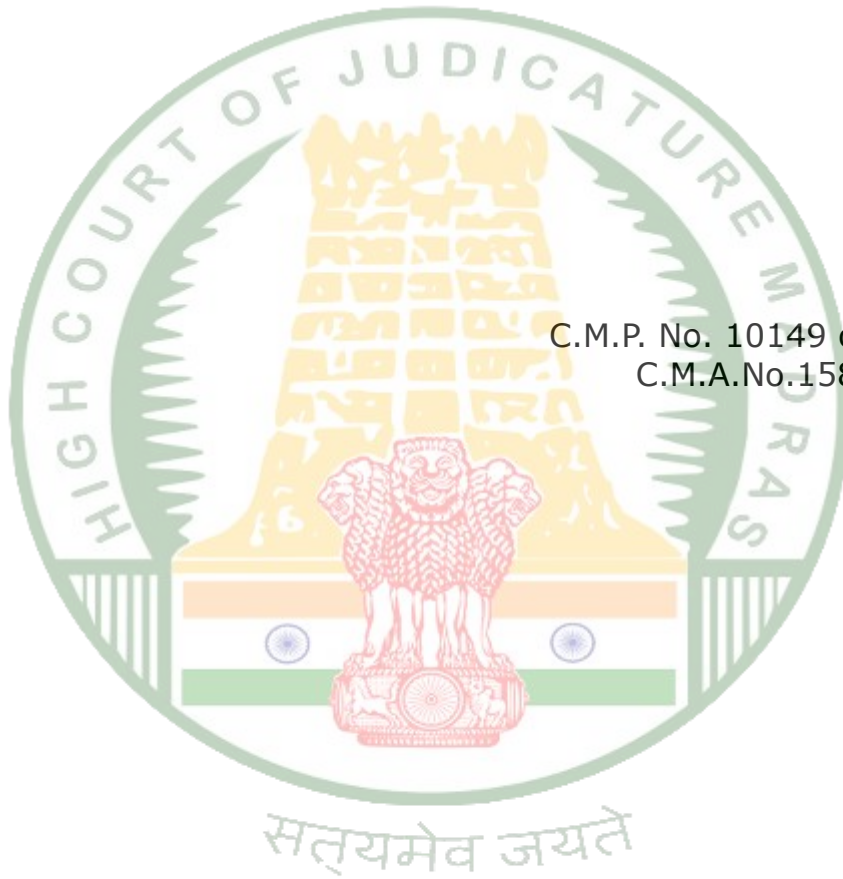
(M.M.S., J.) (R.H., J.)
01.10.2020

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**M.M.SUNDRESH, J.
and
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