

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 4857 of 2020 (O&M)

Date of Decision: 24.02.2020.

Rakesh Gupta and others

.....Petitioners

Versus

Enforcement Directorate and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Apoorv Aggarwal, Advocate and
Ms. Akanksha Sood, Advocate
for the petitioners.

AJAY TEWARI, J.(Oral)

1. By this petition, the petitioner(s) have challenged the provisional attachment of property of the shops etc., located in SRA Mall, Sector 12, Faridabad.

2. The grouse of the petitioners is that the petitioners had purchased these shops way back but the defaulter wrongly showed the shops as having not yet been sold by way of registered sale deed and acting on these falsehood, the Enforcement Directorate has provisionally attached these shops also and though the petitioners are sanguine that they would be able to satisfy the Enforcement Directorate about their queries, the immediate prejudice which is being caused to them is that some of them have invested their life savings in these shops and have let them out and that rental is their sole source of income and now by this order they have been barred from leasing out those shops.

The operative portion of the order reads as follows:

*"..... I hereby order for Provisional attachment of the movable and immovable properties, total valued at **Rs.25,10,83,52,404/-** as detailed in **Table No.2 for a period of 180 days** and it is further ordered that the same shall not be transferred, disposed of, part with or otherwise dealt with in any manner, whatsoever, until or unless specially permitted to do so by the undersigned."*

3. In our considered opinion, the interest of justice would be met if the petitioner(s) approach the Enforcement Directorate with the material in their possession and we are sure that the Enforcement Directorate will look at all the circumstances before it decide to either withdraw or extend the attachment order and in case of any emergency the concerned petitioner(s) can always apply to the ED for permission to let out the shops or to extend lease deeds which also we are very sure would be considered in accordance with law.
4. Learned counsel has further prayed that a date be fixed on which the petitioners can approach the respondent No.1.
5. We find this to be a fair request and consequently direct the petitioner(s) through their counsel to approach the respondent No.1 on 4.3.2020 and present their case.
6. The petition is disposed of at this stage.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

24.02.2020
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