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

+ **W.P.(C) 3116/2020**

HITIK MALHAN

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

+ **W.P.(C) 3117/2020**

RAJINDER KAUR

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Present: Mr.J.K.Mittal and Ms.Vandana Mittal, Advocates for the
Petitioners.
Mr.Amit Mahajan, CGSC for the respondents.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.05.2020

CM APPL.10825/2020 (exemption) in W.P.(C) 3116/2020

CM APPL.10827/2020 (exemption) in W.P.(C) 3117/2020

Exemption allowed, subject to learned counsel for the petitioners undertaking to make good the defects within two weeks after resumption of the regular functioning of the Court.

The applications stand disposed of.

W.P.(C) 3116/2020 & CM APPL.10824/2020

W.P.(C) 3117/2020 & CM APPL.10826/2020

1. Issue notice. Mr. Amit Mahajan, learned Central Government Standing Counsel accepts notice on behalf of the respondents. The petitions are taken up for disposal with the consent of learned counsel for

the parties. Although Mr. Mahajan has some objections to the maintainability of the present writ petitions, in view of the order I propose to pass, it is not necessary to consider those objections in the present petitions.

2. The petitions are directed against notices dated 01.04.2020, issued by the Assistant Director, Enforcement Directorate, addressed to the writ petitioners. By the impugned notices, purportedly passed under Section 8(4) of the Prevention of Money Laundering Act, 2002 [hereinafter, the “Act”], the Enforcement Directorate has sought to take possession of the properties mentioned in the schedules thereto. The impugned orders are predicated upon an order of the Adjudicating Authority under the said Act dated 12.03.2020, whereby provisional attachment orders in respect of the properties in question were confirmed.

3. Against the order of the Adjudicating Authority dated 12.03.2020, the Act provides for an appeal before the Appellate Tribunal under Section 26. Mr. Mahajan submits, upon instructions, that even in the present circumstances of the national lockdown due to the coronavirus epidemic, the Appellate Tribunal is functioning through video conferencing for hearing of urgent matters. Mr. Mahajan further states that the impugned orders do not *per se* contemplate physical possession of the property being taken and the Enforcement Directorate gives a further notice of ten days prior to taking physical possession of any property from a noticee.

4. In view of the aforesaid submission, Mr. J. K. Mittal, learned counsel for the petitioners, states that the petitioners shall file appeals against the order of the Adjudicating Authority dated 12.03.2020, within

three days from today, and request the Appellate Tribunal for an urgent hearing on the question of interim relief. Needless to say, the Appellate Tribunal will make an endeavour to consider the petitioners' case for interim relief as expeditiously as possible.

5. In view of the present circumstances, including the restricted functioning of the judicial authorities and the consequent impediment which may be faced in having the matter heard expeditiously by the Appellate Tribunal, the respondents are directed not to give any further effect to the impugned notices dated 01.04.2020 for a period of fifteen days from today or until the matter is taken up by the Appellate Tribunal, whichever is earlier. It is clarified that this order is being passed in view of the prevalent circumstances which might result in some delay in the petitioners' ability to seek orders from the Appellate Tribunal, and not on a consideration of the merits. The rights and contentions of the parties on the merits of the disputes between them are left open.

6. In view of the present situation, if it is not possible for the petitioners herein to sign the appeal paper book or the affidavits before the Appellate Tribunal, the same may be considered by the Tribunal on the signatures of learned counsel for the appellants, subject to the appellants making good the defects as soon as practicable, and not later than one week after the lifting of the national lockdown.

7. The writ petitions and the pending applications stand disposed of in terms of the above.

MAY 12, 2020/ 'hkaur'

PRATEEK JALAN, J