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

+ W.P.(C) 3123/2020

M/S EBIZ.COM PVT LTD

..... Petitioner

Through: Mr. J.K. Mittal, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Amit Mahajan, CGSC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.05.2020**

CM APPL. No. 10838/2020 (*exemption*)

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

The application stands disposed of.

W.P. (C) 3123/2020 & CM APPL. No. 10837/2020

1. Issue notice. Mr. Amit Mahajan, learned Central Government Standing Counsel accepts notice on behalf of respondents. The petition is taken up for disposal with the consent of learned counsel for the parties.
2. The present petition is directed against a notice dated 01.04.2020 issued under Section 8(4) of the Prevention of Money Laundering Act, 2002 [hereinafter, the "Act"]. In respect of the same proceedings against other connected parties, two writ petitions [W.P.(C) 3116/2020 and W.P.(C) 3117/2020] were disposed of with the following order:-

“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.”

3. Mr. J.K. Mittal, learned counsel for the petitioner submits that an appeal has been filed before the Appellate Tribunal on behalf of the petitioners in those two cases, as well as on behalf of the petitioner in the present case. The appellants therein have challenged the order dated 12.03.2020, passed by the Adjudicating Authority under the Act, upon which the impugned notice is also predicated. Mr. Mittal states that the Appellate Tribunal has fixed the appeal for hearing on 20.05.2020.

4. In view of the aforesaid, the present appeal is disposed of, leaving the rights and contentions of the parties before the Appellate Tribunal open. As directed in the above-quoted order, the respondents will not give any further effect to the impugned notice dated 01.04.2020 for a period of 15 days from today or until the matter is taken up by the Appellate Tribunal, whichever is earlier.

5. The petitioner will be at liberty to apply for revival of the present proceedings if there is any difficulty in the implementation of the present order.

PRATEEK JALAN, J

MAY 14, 2020

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