

via Videoconferencing

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

+ W.P. (C) 3124/2020

PAWAN MALHAN Petitioner

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

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Amit Mahajan, learned CGSC.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **15.05.2020**

C.M. 10840/2020 (for exemption from filing typed copies of annexures and signed and attested affidavits)

Exemption is granted, subject to just exceptions and subject to the petitioner completing all requirements of filing typed copies and attested affidavits within 10 days of lifting of lockdown.

The application stands disposed of.

W.P. (C) 3124/2020 & C.M. 10839/2020 (for grant of interim relief)

The petitioner/Pawan Malhan is the managing director of M/s eBiz.com Private Limited and the recipient of impugned notice dated 01.04.2020 issued by the respondents under section 8(4) of the Prevention of Money Laundering Act 2002.

2. The petitioner's son Hitik Malhan, a shareholder of the company and Ms. Rajinder Kaur, Administrative Officer in the company had earlier moved W.P.(C) No. 3116/2020 and W.P.(C) No. 3117/2020 respectively, impugning similar notices issued by the respondents which came-up for hearing before a Co-ordinate Bench of this court on 12.05.2020, and which were disposed of with the following observations :

“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.”

(Emphasis supplied)

3. Mr. J.K. Mittal, learned counsel for the petitioner states that the petitioner has already filed an appeal before the Appellate Tribunal impugning final order dated 12.03.2020 made by the Adjudicating Authority in the same proceedings, on which impugned notice dated 01.04.2020 is based. Mr. Mittal informs the court that the appeal is listed before the Appellate Tribunal on 20.05.2020.

4. Issue notice.
5. Mr. Amit Mahajan, learned CGSC appears for the respondents on advance copy; accepts notice; and confirms that an appeal has indeed been filed by the petitioner and is likely to be taken-up by the Appellate Tribunal on 20.05.2020. Mr. Mahajan only clarifies that although in order dated 12.05.2020 it was recorded that the Appellate Tribunal is functioning through video-conferencing for hearing urgent matters, his updated instructions are that since no video-conferencing facilities are available at the Tribunal, regular hearings are being given in urgent matters.
6. Counsel for the parties state that in the circumstances, the present petition may be disposed of on the lines of order dated 12.05.2020 made in the earlier writ petitions.
7. Accordingly, the present petition and pending applications are disposed of with a direction that the respondents shall not give effect to impugned notice dated 01.04.2020 for a period of 10 days from today or until the appeal filed is taken-up by Appellate Tribunal, whichever is earlier.
8. Mr. Mittal prays that although this order would suffice, by way of abundant caution, the petitioner may be granted liberty to revive the present petition in the event the Appellate Tribunal does not take-up the appeal for hearing on interim relief within the period of 10 days granted above by reason of any unforeseen circumstances. Liberty, as prayed for, is granted.
9. In the event of such revival, Mr. Mahajan seeks to reserve his right to raise all objections, including those relating to maintainability of the

present petition, in the proceedings before this court. Right to raise such objections is reserved.

10. All rights and contentions of the parties on the merits of the disputes are left open.

ANUP JAIRAM BHAMBHANI, J.

MAY 15, 2020/uj