

\$~6, 7, 8, 9, 10 & 11

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

+ CM APPLs. 10720/2020, 10771/2020, 10774/2020, 10862/2020, 10863/2020, 11146/2020, 11352-53/2020 & 11358/2020 & 11654/2020 in W.P. (C) 3083/2020.

M/S. ART HOUSING FINANCE (INDIA) LIMITEDPetitioner

Through: Mr. Siddharth Aggarwal with Ms. Neeha Nagpal, Ms. Stuti Gujral, Mr. Subhash Jadhav and Mr. Vishvendra Tomar, Advs.

Versus

DIRECTORATE OF ENFORCEMENT AND ORS.Respondents

Through: Mr. Sanjay Jain, Ld. ASG with Mr. Amit Mahajan, CGSC and Ms. Mallika Hiremath, Advs. and Mr. Kuldeep Sign AD for UOI/Directorate of Enforcement.

(7)

+ W.P. (C) 3148/2020 & CM APPL. 10947/2020

PAFM SECURITY SOLUTIONS MANAGEMENT PRIVATE LIMITEDPetitioner

Through: Mr. Ashish Aggarwal and Mr. Gurkamal Hora Arora, Advs.

Versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Sanjay Jain, Ld. ASG with Mr. Amit Mahajan, CGSC and Mr. Arkaj and Ms. Mallika Hiremath, Advs. and Mr. Kuldeep Sign AD for UOI/Enforcement Directorate. Mr. Amol Sharma and Ms. Jagriti Ahuja, Advs. For HDFC Bank.

(8)

+ W.P. (C) 3149/2020 & CM APPL. 10955/2020

NCUBE PLANNING AND DESIGN PVT. LTD.Petitioner

Through: Mr. Ashish Aggarwal and Mr. Gurkamal Hora Arora, Advs.

Versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Sanjay Jain, Ld. ASG with Mr. Amit Mahajan, CGSC and Mr. Arkaj and Ms. Mallika Hiremath, Advs. and Mr. Kuldeep Sign AD for for UOI/Enforcement Directorate.

Mr. Rajesh Gautam and Mr. Anant Gautam, Advs. for R-6/ PNB.

Mr. Aditya Kumar, Adv. for R-7/BOI.

(9)

+ W.P. (C) 3150/2020 & CM APPL. 10957/2020

PETRA ASSET AND FACILITY MANAGEMENT PRIVATE LIMITED

.....Petitioner

Through: Mr. Ashish Aggarwal and Mr. Gurkamal Hora Arora, Advs.

Versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Mr. Sanjay Jain, Ld. ASG with Mr. Amit Mahajan, CGSC and Mr. Arkaj and Ms. Mallika Hiremath, Advs. and Mr. Kuldeep Sign AD for UOI/Enforcement Directorate. Mr. Amol Sharma and Ms. Jagriti Ahuja, Advs. for HDFC Bank.

(10)

+ CM APPL. 11137/2020, CM APPLs. 11354/2020, 11355/2020 & 11359/2020 & 12246/2020 in W.P. (C) 3196/2020,

M/S. RURBAN AGRI VENTURES (INDIA) PRIVATE LIMITED AND ORS.

.....Petitioner

Through: Mr. Siddharth Aggarwal with Ms. Neeha Nagpal, Ms. Stuti Gujral, Mr. Subhash Jadhav and Mr. Vishvendra Tomar, Advs.

Versus

DIRECTORATE OF ENFORCEMENT AND ORS.....Respondents

Through: Mr. Sanjay Jain, Ld. ASG with Mr. Amit Mahajan, CGSC and Mr. Arkaj and Ms.

Mallika Hiremath, Advs. and Mr. Kuldeep
Sign AD for UOI/Directorate of
Enforcement.

(11)

+ W.P. (C) 3269/2020 & CM APPLs. 11460-61/2020

BW BUSINESSWORLD MEDIA PVT. LTD.Petitioner

Through: Mr. Pramod Kumar Dubey, Ms. Ritwika
Nanda, Ms. Petal Chandhok, Mr. Saurav
Baveja and Mr. Anurag Andley, Advs.

Versus

UNION OF INDIA AND ORS.Respondent

Through: Mr. Sanjay Jain, Ld. ASG with Ms. Shiva
Lakshmi, CGSC for-R1 and Mr. Amit
Mahajan, CGSC for R-2 along with Mr.
Arkaj and Ms. Mallika Hiremath, Advs.
and Mr. Kuldeep Sign AD for
UOI/Enforcement Directorate.
Mr. Amol Sharma and Ms. Jagriti Ahuja,
Advs. for HDFC Bank.

CORAM:

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

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10.06.2020

(Video Conference Hearing)

All the writ petitions in hand extend challenge to a provisional attachment order dated 05.05.2020 passed by the Deputy Director, Mumbai Zone office – I, Directorate of Enforcement under Sub-Section (1) of Section 5 of the Prevention of Money Laundering Act, 2002 for short ‘PMLA’, which directs provisional attachment of the properties specifically indicated there-under. It categorizes the movable properties which are actually the balances lying in the bank accounts of different account holders - 168 in number, besides the balances lying in the mutual fund accounts as per Category B indicated there-under and the paintings & other articles etc. belonging to and owned by Shri Rana Kapoor as per category

C. In other words, the said attachment order is specific as regards the amounts attached and the value of the articles for a total sum of Rs.59,39,51,184/- (Rupees fifty nine crore thirty nine lakh fifty one thousand one hundred and eighty four only).

On the last date of hearing, Mr. Jain, Id. ASG on instructions had submitted that the impugned provisional attachment order is limited to the extent it speaks of.. Such submission is reiterated by Mr. Jain, Id. ASG on instructions with regard to all the petitioners vis-à-vis the impugned order dated 05.05.2020. In view of the submissions so made and reiterated today by Mr. Jain, Id. ASG, Id. counsel for all the petitioners submit that the writ petitions may be disposed of with such clarifications being taken on record and with the liberty reserved to the petitioners to agitate any of their pleas before the adjudicating authority under the relevant provisions of the PMLA and that, the interim orders may be vacated.

In view of the foregoing submissions, all the writ petitions are disposed of with the direction that the impugned provisional attachment order dated 05.05.2020 being specific for the amounts attached, the respective petitioners would be at liberty to operate their bank accounts mentioned in the impugned provisional attachment order subject to keeping a balance of the amount attached and that, this would be without prejudice to the rights and contentions of the respondent nos. 1 & 2 to pass such further orders of attachment in accordance with law, as may be called for.

At this stage, Id. counsel for the petitioners submit that another provisional attachment order dated 19.05.2020 has come to be passed and that the petitioners reserve their rights to assail the said order of attachment in accordance with law as may be available to them. Let it be so.

All the writ petitions along with pending application(s) stand disposed of in the foregoing terms. All interim orders stand vacated.

A.K. CHAWLA, J

JUNE 10, 2020
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