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

+ **W.P.(C) 3343/2020**

(8) **W.P.(C) 3346/2020**

DILIP KUMAR LALWANI
SHASHI KANT CHAURASIA

..... Petitioner

.....Petitioner

Through: Mr.Dayan Krishnan, Sr. Adv.with
Mr.Kaustubh Sinha and Mr. Raj
Khurana, Authorized
Representative of petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Amit Mahajan, CGSC with
Ms.Mallika Hiremath, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

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04.06.2020

This hearing has been held through video conferencing.

CM No.11788/2020 (Exemption) in WP(C) 3343/2020

CM No.11795/2020 (Exemption) in WP(C) 3346/2020

1. These applications have been filed seeking exemption from filing certified/typed copies of annexures/order, duly notarized affidavits and affixing requisite court fee. Binding the deponents of the affidavits to the contents of the applications, the exemptions are granted.
2. Court fee shall be deposited by the petitioners through online mode with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued

by this Court.

3. The applications are allowed.

W.P.(C) 3343/2020 & CM No. 11787/2020
W.P.(C) 3346/2020 & CM No. 11794/2020

1. These petitions have been filed by the petitioner(s) *inter-alia* praying for a writ of mandamus directing the respondents to credit back the amount transferred pursuant to the order dated 10.01.2020 passed by the Adjudicating Authority in OC No.1181/2019, ***Deputy Director, Directorate of Enforcement v. Atul Bansal & Ors.***

2. The learned senior counsel for the petitioner(s) submits that the transfer of the amount has been directed even prior to the expiry of the period of the limitation for filing of an appeal as prescribed under Section 26(3) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'Act'). He submits that the petitioner(s) have filed their respective appeals before the learned Appellate Tribunal under the Act, however, the Appeal(s) and the interim application(s) could not be taken up for hearing because of the limited functioning of the Tribunal due to the Covid-19 pandemic. The learned senior counsel for the petitioner(s) submits that the petitioner(s) are ready and willing to secure the amount in question by way of bank guarantee(s).

3. On the other hand, the learned counsel for the respondents submits that the impugned action of transfer of money has been taken in exercise of powers under Section 8(4) of the Act and cannot be faulted. He further submits that the petitioner(s) cannot be put in a position better than what they were at before the order of Provisional Attachment or the order passed by the Adjudicating Authority.

4. Having considered the submissions made by the learned counsels for the parties and taking into the account that the appeal is already filed by the petitioner(s) before the learned Appellate Tribunal, the present petitions are disposed of requesting the learned Appellate Tribunal to consider and dispose of the application(s)/appeal(s) filed by the petitioner(s), as expeditiously as possible and preferably within a period of three weeks from today. The petitioner(s) shall be at liberty to produce this order before the learned Appellate Tribunal in support of their request for early hearing of the appeal(s)/application(s) filed by them.
5. The petitions and the pending applications are disposed of in the above terms with no order as to cost.
6. The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

JUNE 04, 2020/ Arya/sd