

22.09.2021
Item No.21
Crt.No.11
K.B.

M.A.T. 627 of 2021
with
I.A. No. CAN 1 of 2021

Rajendra Kumar Murarka
-versus-
Mohsina Tabassum and others.

(Via Video Conference)

Mr. Jishnu Chowdhury
Mr. Aniruddha Chatterjee
Mrs. R. Anthony Jha
Mrs. Rashmi Bothra
... For the appellant.

Mr. Ranjan Roy
... For the Respondent Nos.1 & 2.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The challenge in this appeal is to an order dated 2nd July, 2021 in the writ petition in W.P.A. No. 10728 of 2021 passed by the Hon'ble Single Bench. The Hon'ble Single Bench was pleased to consider the rival submissions on the point whether the adjudication pursuant to the Provisional Attachment Order under the Prevention of Money Laundering Act, 2020 (for short the PMLA, 2020) *qua* the writ petitioner/the present appellant can continue beyond the period of 180 days.

Mr. Chowdhury, Learned Counsel for the appellant/writ petitioner with Mr. Chatterjee, Learned Counsel and, assisted by the instructing Advocates, submit that the *PMLA* is a specific statute and there is no

provision to continue the adjudication beyond the period of 180 days. In support of such argument, the appellant has relied upon several authorities which have been also noticed by the Hon'ble Single Bench *vide* its order dated 2nd July, 2021.

Per contra, Mr. Roy, Learned Counsel appearing for the Respondents/Enforcement Directorate (ED), also relies upon authorities to show that the 180 day period stood extended in view of the directions passed from time to time extending the limitation for concluding any adjudicatory process which was held up because of the pandemic situation.

Mr. Roy further points out to the discussion in the order impugned dated 2nd July, 2021 to the effect that the conduct of the appellant would also be a persuasive factor to determine whether the 180-day period actually lapsed or not.

Having heard the parties and considering the materials placed, this Court is of the view that the Hon'ble Single Bench has expressed its desire to ultimately adjudicate the issue on the strength of affidavits directed to be exchanged by the parties.

This Court must also observe that the Hon'ble Single Bench has further directed that any decision taken by the adjudicating authority, if against the writ petitioner/the appellant, shall abide by the result of the writ petition.

Having regard to the interim directions as above, this Court find no reason to intervene in the order of the Hon'ble Single Bench except, to request the Hon'ble Single Bench, to expedite the hearing of the writ petition, subject to its convenience.

MAT 627 of 2021 along with **I.A. No. CAN 1 of 2021** stand thus **disposed of**.

Having regard to the above discussion, affidavits are not necessary, neither are they invited. All other allegations are deemed to be denied and disputed.

All parties shall act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kesang Doma Bhutia, J.) -

(Subrata Talukdar, J.)