

23-12-2021
ct no. 13
Sl.19
sp

WPA 20020 of 2021

Goutam Sur

-Versus-

Union of India & Ors.
(Via Video Conference)

Mr. Jishnu Chowdhury,
Mr. Souradeep Banerjee,
Mrs. R. Anthony Jha

...for the petitioner

Mr. Ranjan Roy

...for the respondent/Directorate of Enforcement

The writ petition was originally filed before the Delhi High Court. It was observed by the Delhi High Court that the property in question falls within the jurisdiction of this Court and hence the petitioner's grievance must be raised here.

The writ petitioner seeks to challenge confirmation of the provisional order of attachment dated September 23, 2021 in the original complaint bearing no. 1290/2020.

It is submitted that the order has been passed by the adjudicating authority under the Prevention of Money Laundering Act, 2002 ("PMLA") and the petitioner is entitled to challenge the same before the Appellate Tribunal.

An appeal has been filed before the Tribunal but cannot be moved since there is no quorum.

The writ petition is, therefore, filed seeking interim relief against the enforcement of the order of attachment. Admittedly, the properties in question being Flat No. D-3, Roopkund Apartment, 53, Lake Terrace, Santoshpur, Kolkata – 700075 and Flat No.3, Anjona Apartments, 137, Regent Estate, Jadavpur, Kolkata-700092 are already attached and cannot be dealt with by the respondents.

Since the petitioner is unable to exercise rights available to him under the PMLA Act, 2002, this Court is of the view that the petitioner is entitled to relief only pending consideration of the matter by the Appellate Tribunal.

In that view of the matter, the eviction notice dated 23.11.2021 shall remain stayed for a period of one month after the regular appointment of the persons constituting full quorum at the Appellate Tribunal under Section 25 of the PMLA Act, 2002. The petitioners, their agents servants and /or assigns are restrained

from in any way, dealing with or disposing of or encumbering or alienating the subject property.

Nothing further remains to be adjudicated in the instant writ application and the parties are ad idem on this.

This Court has not gone into the merits of the claims of the parties against one and another. Since no affidavits have been used by the respondents, the allegations made in the writ application shall not be deemed to have been admitted by this Court.

The writ petition is disposed of. There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)