

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.2665 OF 2021

R.Chinnakannan @ Vallal RCK

.. Petitioner

Vs.

1. Union of India,
through its Revenue Secretary,
Ministry of Finance,
Department of Revenue,
128-A, North Block,
New Delhi - 110 001.
2. Appellate Tribunal for Prevention of Money Laundering,
Represented by Registrar,
Ministry of Finance, Department of Revenue,
4th Floor, 'A' Wing, Loknayak Bhawan,
Khan Market, New Delhi - 110 003.
3. The Deputy Director,
MBZO - I, Directorate of Enforcement,
Kaiser - I - Hind Building, 3rd Floor,
Currimbhoy Road, Ballard Estate,
Mumbai - 400 001.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 2nd respondent to hear and dispose of Misc.Application in Appeal No.FPA-PMLA/3496/MUM/2020 of the petitioner dated 13.10.2020 expeditiously within a time frame.

For Petitioner : Mr.S.Ravi

For Respondents: Mr.M.Sathyan
ACGSC [R1]
Mrs.G.Hema,
Special Public Prosecutor [R2 & R3]

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This writ petition is filed to direct the second respondent to hear and dispose of the miscellaneous application in Appeal No.FPA-PMLA/3496/MUM/2020 of the petitioner dated 13.10.2020 expeditiously within a time frame.

2. Heard learned counsel for the petitioner, learned counsel for the first respondent and learned Special Public Prosecutor for the respondents 2 and 3.

3. Shorn of unnecessary frills, the facts that are germane to decide this petition are as under :-

The petitioner and others suffered an order passed by the Adjudicating Authority under Section 8(3) of the Prevention of Money Laundering Act, 2002 (PMLA 2002) on 07.02.2020, aggrieved by which, the petitioner and others have filed an appeal in Appeal No.FPA-PMLA/3496/MUM/2020 in the Appellate Tribunal for Money Laundering, New Delhi under Section 26 of PMLA 2002.

4. The grievance of the petitioner is that the Tribunal is not taking up final disposals of appeals routinely on account of COVID-19 pandemic restrictions but the Tribunal would take up the matters if there is any urgency or if there is any specific direction to that effect by a High Court. It is the contention of the petitioner that he is 92 years old and that he wants to see the disposal of his appeal within his lifetime. This, in our opinion, is a good ground for taking up the appeal of the petitioner out of turn.

5. The learned counsel for the petitioner called our attention to an Office Order dated 12.02.2021 issued by the Tribunal wherein, it is stated thus :-

"In the above circumstances, this Tribunal will have limited functioning from 15.02.2021 to 26.02.2021 in urgent matters including High Court directed matters only."

6. That apart under Section 26(6) of the PMLA 2002, the Tribunal is required to expeditiously dispose of the appeals, preferably within six months from the date of filing of the appeal.

7. In the light of the above discussion, we, instead of using the expression 'direct', request the second respondent-Appellate Tribunal for Prevention of Money Laundering to dispose of the appeal in Appeal No.FPA-PMLA/3496/MUM/2020 within a

period of two months from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Secretary,
Union of India,
Ministry of Finance,
Department of Revenue,
128-A, North Block,
New Delhi - 110 001.
2. The Registrar,
Appellate Tribunal for Prevention of Money Laundering,
Ministry of Finance, Department of Revenue,
4th Floor, 'A' Wing, Loknayak Bhawan,
Khan Market, New Delhi - 110 003.
3. The Deputy Director,
MBZO - I, Directorate of Enforcement,
Kaiser - I - Hind Building, 3rd Floor,
Currimbhoy Road, Ballard Estate,
Mumbai - 400 001.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.M.Sathyan, Advocate, S.R.No.10781

+1cc to M/S.A.L.Gandhimathi Advocate, S.R.No.10633

SRII(CO)
CS/19/03/2021

W.P.No.2665 of 2021

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