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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2021

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr. JUSTICE R.HEMALATHA

W.P.No.25271 of 2021

AND

W.M.P.Nos.26648 & 26653 of 2021

1.Suresh Kumar Kochar
2.Anitha

.. Petitioners

Vs.

1.The Joint Director
Directorate of Enforcement
Chennai Zonal Office-I
3rd Floor, C-Block
Murugesan Naicker Complex
84, Greams Road
Chennai-6

2.The Assistant Directorate
O/o.The Joint Director
Directorate of Enforcement
Chennai Zonal Office-I
3rd Floor, C-Block
Murugesan Naicker Complex
84, Greams Road
Chennai-6

3.The Registrar
Adjudicating Authority (PMLA)
Room No.26 4th Floor
Jeevan Parliament Street
New Delhi 110 001

4.The Branch Manager
Lakshmi Vilas Bank
224, 1st Floor, Govindappa Naicken Street
Sowcarpet, Chennai-1



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5.The Branch Manager
Karur Vysya Bank
484, Pantheon Plaza, Pantheon Road
Egmore, Chennai-8

6.The Branch Manager
Jana Small Finance Bank
34, Windsor Palace, Balfour Road
Kilpauk, Chennai-10

7.The Branch Manager
ICICI Bank
No.34-E, OMR
Siruseri, Chennai-130

8.The Branch Manager
HDFC Bank
411, TI Mat School
Ambattur, Chennai-53

9.The Branch Manager
Equitas Small Finance Bank
Bhaggyam Galleria
Old No.80, Bazulla Road
T.Nagar, Chennai-17

10.The Branch Manager
Kotak Mahindra Bank
40, Montieth Road
Egmore, Chennai-8

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st and 2nd respondents to lift the freezing orders made in F.No.ECIR/CEZO-I/39/20201 under the provisions of PMLA, 2002 with respect to the bank accounts of the petitioners maintained with respondents 4 to 10.

For Petitioner : Mr.B.Kumar
Senior Counsel for
Mr.B.Sathish Sundar

For R1 and R2 : Mr.Rajinish Pathiyil
Special Public Prosecutor



O R D E R

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

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2. On 26.11.2021, we passed the following order :

"The short point that falls for consideration is, as to whether the Officer, who had passed the order of freezing the bank accounts of the petitioner, sent an application contemplated u/s.17(4) of the PMLA to the adjudicating authority within 30 days, as required therein.

2. Mr.Rajinish Pathiyil, learned Special Public Prosecutor [Enforcement Directorate], takes notice for the respondents and seeks time to get instructions.

Post on 03.12.2021."

3. Today, when the matter was taken up for hearing, Mr.Rajinish Pathiyil, learned Special Public Prosecutor submitted an affidavit dated 09.12.2021, sworn to by Mr.E.Raghuraman, Enforcement Officer, wherein, in paragraph No.6, he has stated as follows :

"6. I further submit that in the course of investigation various references and communications were also sent to the respondent Banks' Anti Money Laundering Authorities under the powers conferred U/s 54 of the PMLA to collect information about the accounts and other details of the petitioners and their family members and to safeguard the possible proceeds of crime. As it has come to light that there are large numbers of savings bank accounts/current accounts/FDRs/TDRs, the department has decided only to freeze the FDRs, TDRs and two SOD accounts which were attached to the concerned FDRs. Insofar as SB accounts and current accounts are concerned, communication has been sent to the concerned Banks for de-freezing those accounts and the petitioners could therefore operate the same without any hassle as the department has lifted the restrictions imposed on the said savings bank and current accounts. Insofar as the FDRs, TDRs and SOD Accounts are concerned, the provisions U/s.8 of PMLA would apply and the



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petitioners are entitled to be heard before the Adjudicating Authority (PMLA) concerned and appropriate orders would be passed by the Adjudicating Authority (PMLA) after hearing all concerned. Further the Adjudicating Authority (PMLA) had also issued notice on the petitioners as well as his other family members as prescribed under section 8(1) of PMLA."

However, Mr.B.Kumar, learned Senior Counsel for the petitioner submitted that the Enforcement Directorate has not sent any communication to the various banks, informing them of the de-freezing of the petitioners savings bank and current accounts.

4. Mr.Rajinish Pathiyil contended that he would instruct the authorities concerned to immediately send the necessary communication to the banks.

Recording the submission of Mr.Rajinish Pathiyil, this writ petition stands closed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gya

To

1. The Joint Director
Directorate of Enforcement
Chennai Zonal Office-I, 3rd Floor, C-Block
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84, Greams Road, Chennai-6
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O/o.The Joint Director
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10. The Branch Manager
Kotak Mahindra Bank
40, Montieth Road
Egmore, Chennai-8
11. The Public Prosecutor
Madras High Court
Chennai - 600 104

+1cc to Mr.Rajinish Pathiyil, Advocate, S.R.No.66458

+1cc to Mr.B.Sathish Sundar, Advocate, S.R.No.65949

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VG-II[co]
NSK 08/02/2022