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

% Judgment delivered on: 23.12.2021

+ **W.P.(C) 14995/2021 & CM APPL. 47320/2021**

AXLE ENERGY PVT. LTD. & ANR. Petitioners

versus

DIRECTORATE OF ENFORCEMENT & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. R.K. Handoo, Mr. Yoginder Handoo, Mr. Aditya Chaudhary, Mr. Saurabh Soni and Mr. Ashwin Kataria, Advocates

For the Respondent: Mr. Amit Mahajan, CGSC with Mr. Kritagya Kait, Advocate
Mr. Rajesh Gogna, CGSC with Arihant Jain, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 47321/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 14995/2021

1. The petitioners assail the possession notice dated 17.09.2021

W.P.(C) 14995/2021

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MAGGU
Signing Date: 24.12.2021 11:00:13
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

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By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 23.12.2021
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issued by the respondent.

2. Learned counsel for the petitioners submits that being aggrieved by the impugned order, the petitioners have already preferred a statutory appeal along with an application for stay in February, 2021 before the Appellate Tribunal, PMLA, which is not being taken up for consideration as the Tribunal is presently not functional for want of quorum. He submits that taking benefit of the said fact, the respondents have already issued the impugned possession notice on 17.12.2021 and are threatening to take possession of the premises which form subject matter of the adjudication order dated 14.01.2021. He, therefore, prays that the operation of the impugned order and notice be stayed till the petitioners' appeal is taken up for consideration by the Tribunal.

3. Issue notice. Mr. Amit Mahajan, CGSC, accepts notice on behalf of the respondents and is not in a position to dispute the fact that the Appellate Tribunal is presently not functional.

4. In these circumstances, the writ petition is partly allowed by directing the parties to maintain status quo qua the subject matter of the impugned order till the petitioner's appeal and application assailing the order dated 14.01.2021 are taken up by the Tribunal. Consequently, the respondents will stand restrained from taking any further action in pursuance of the impugned order and notice till then.

5. Needless to state, this Court has not expressed any opinion on the rival contentions of the parties. It is further made clear that this order will merge with any order which may be passed by the Tribunal in the petitioner's appeal and application, as and when it becomes functional.

SANJEEV SACHDEVA, J

DECEMBER 23, 2021/'rs'



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