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

% Judgment delivered on: 23.12.2021

+ W.P.(C) 15011/2021 & CM APPL. 47379/2021 & 47381/2021

ANKITA MAINGI

..... Petitioner

versus

DEPUTY DIRECTOR, DIRECTORATE OF
ENFORCEMENT & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Arshdeep Singh and Mr. Shreedhar Kale, Advocates

For the Respondent: Mr. Amit Mahajan, CGSC with Mr. Kritagya Kait,
Advocate

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 47380/2021 (Exemption)

CM APPL. 47382/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 15011/2021

1. The present petition has been filed assailing the order dated 13.12.2021 passed by the Adjudicating Authority, PMLA, confirming the Provisional Attachment order. The petitioners have also assailed

W.P.(C) 15011/2021

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MAGGU
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to HMJ Sanjeev Sachdeva.

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By: JUSTICE SANJEEV
SACHDEVA
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the consequential possession notice, issued by respondent no. 1 on 16.12.2021.

2. Learned counsel for the petitioners submits that being aggrieved by the impugned order, the petitioners propose to file a statutory appeal before the Appellate Tribunal, PMLA, but since the same is not likely to be taken up in the near future by the Tribunal for want of quorum, they have been compelled to approach this Court. As the respondent no. 1, being aware that the Appellate Tribunal is presently not functional, has already issued the impugned notice for possession to the petitioners, he, therefore, prays that the respondent no. 1 be restrained from taking any action pursuant to the impugned order dated 13.12.2021 till the petitioners' appeal and stay application are taken up for consideration by the Appellate Tribunal, PMLA.

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

4. In the light of the aforesaid, the writ petition is partly allowed by directing that, subject to the petitioners filing a statutory appeal before the Appellate Tribunal within a period of two weeks from today, the parties will maintain status quo qua the subject matter of the impugned order till the petitioners' appeal and stay application are

taken up for consideration by the Tribunal as and when it becomes functional. Consequently, the respondent no. 1 is restrained from taking any coercive action against the petitioners on the basis of the impugned order dated 13.12.2021 as also the notice of possession dated 16.12.2021 till then.

5. Needless to state, this Court has not expressed any opinion on the merits of the claims raised in the petition. It is further made clear that this order will merge with any orders as may be passed by the Tribunal on the petitioners' appeal and stay application, as and when, it becomes functional.

SANJEEV SACHDEVA, J

DECEMBER 23, 2021
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