

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.3840 OF 2021

Subhashchandra K. Sharma and Anr. ...Petitioners
Versus
The Union of India and Anr. ...Respondents

Mr. Omneel Jadhav, for the Petitioners.

Mr. Hiten S. Venegavkar, for the Respondent No.1 – U.O.I.

Ms. P. P. Shinde, A.P.P for the Respondent No.2– State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 28th JULY 2022

P.C. :

1. Heard learned counsel for the parties.
2. The aforesaid petition has been filed seeking stay to the Eviction Notice dated 1st October 2021, issued by the Enforcement Directorate ('ED') with respect to the immovable property mentioned in prayer clause 'b' of the aforesaid petition.

3. Learned counsel for the petitioners submits that the petitioners were constrained to file the petition in this Court, as the Appellate Tribunal had not been constituted at the relevant time i.e. at the time of filing of the aforesaid petition.

4. Today, the learned counsel for the parties do not dispute, that the Appellate Tribunal under the Prevention of Money Laundering Act ('PMLA Act') has been constituted, however is presently not functional.

5. It is not in dispute that the petitioners have filed an appeal before the Appellate Tribunal under the PMLA Act alongwith an Interim Application seeking certain interim reliefs, therein.

6. Considering the fact, that the Appellate Tribunal under the PMLA Act has now been constituted, we deem it appropriate to relegate the petitioners before the said authority. However, till the Interim Application is decided by the Appellate Tribunal under the

PMLA Act, the parties are directed to maintain status-quo with respect to the subject property.

7. It is made clear that we have not gone into the merits of the petition and as such all contentions of all parties are kept open

8. Petition is accordingly disposed of on the aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.