

PatilSR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11387 OF 2022

DDPL Global Infrastructure Pvt Ltd & Anr ...Petitioners
Versus
Joint Sub Registrar, Vasai-III & Anr ...Respondents

Mr Janak Dwarkadas, Senior Advocate, with Mr. Sharan Jagtaini, Senior Advocate, Nitesh Jain, Adrish Majumder, Hridhay Khurana, Sumit Kumar Singh, Sanjana Mehta i/b Trilegal for the Petitioners.

Mrs PN Diwan, AGP, for the Respondent-State.

Mr Ashish Chavan, with Zishan Quazi for the Respondent-Enforcement Directorate.

**CORAM G.S. Patel &
Sharmila U. Deshmukh, JJ.**

DATED: 22nd November 2022

PC:-

1. The complaint of the Petitioners, shortly stated, is that the Respondents Nos.1 and 2, Joint Sub-Registrar, Vasai-III, Vasai and the Joint District Registrar & Collector of Stamps, Palghar District, Palghar, when asked accept the documents of transfer of title ownership of a large tract of land of 105.02 Acres at village Tivri, Taluka Vasai, district Palghar within the registration district of Thane-Bassein for registration, asked that that permission or some

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sort of undefined clearance be obtained from the Directorate of Enforcement, ('the ED').

2. The ED is investigating another company called PACL.
3. The present Petitioners filed a Writ Petition in the Delhi High Court. A Single Judge of that Court was informed that the ED has not restrained the transfer or the registration of the transfer but had only asked that it be 'intimated' of the registration of any transfer. The understanding from the State Authorities seems to be that this request by the ED for an 'intimation' is a requirement that ED permission is required to register the transfer documents.
4. We are told that the ED has issued a provisional attachment order. That provisional attachment does not include these lands. That provisional attachment is said to have been stayed and the proceedings in that regard are pending.
5. Today, on taking telephonic instructions after we kept the matter back at his request, Mr Bansal, learned Counsel for the ED makes a statement that the provisional attachment does not cover the said lands and that the ED investigation is currently not in respect of the subject lands mentioned in the Writ Petition. The lands in question are described in Schedule-3 at Page 66.
6. The Writ Petition thus can be disposed of with the following directions:

- (a) The 1st Respondent-the Joint Sub Registrar, Vasai-III and the 2nd Respondent-the Joint District Registrar & Collector of Stamps, Palghar District are directed to accept the documents of the Petitioners for registration of the lands mentioned in Schedule-3 at Pages 66 to 71.
- (b) The project is very large. Presently, there are 323 flat purchase agreements that are to be registered. There will be future agreements, and these may be many thousands. This order is, therefore, a on-going direction to the Respondents 1 and 2 to continue that process of registering (including of stamps) until further orders of an appropriate authority or Court.
- (c) Mr Dwarkadas states that the first set of documents will be presented to the authorities by 29th November 2022. We expect the formalities for that set to be completed by 5th December 2022. The Petition will be listed for compliance and directions on 7th December 2022 before the appropriate Bench.

7. As regards the investigation by the Enforcement Directorate, we must clarify that this order is not to be construed as a stay or as a recording that there is no investigation against the Petitioner. That is not in fact the subject matter of the Writ Petition at all. The only statement that has been made on instructions before us by Mr Bansal for the ED is in regard to the lands at Schedule-3 Page-66.

8. The authorities will act in compliance of this order on production of ordinary copy or authenticated copy of this order.

9. List the matter on 7th December 2022 for compliance.

(Sharmila U. Deshmukh, J)

(G. S. Patel, J)