

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1976 OF 2022

Guru Commodity Services Pvt. Ltd.	...Petitioner
<i>Versus</i>	
Adjudicating Authority & 2 Ors.	...Respondents

Mr. Aabad Ponda, Sr. Adv a/w Ashwani Taneja, Mukesh Jain,
Ragini Singh, Benita Kapadia Krish Jain and Mukthesh Punmiya i /
by Ragini Singh and Associates and RRA Legal for the Petitioner.
Mr. Anil Singh, ASG for the Respondent/Union.
Mr. L.T. Satelkar, AGP for the State.

CORAM Revati Mohite Dere &
Madhav J. Jamdar, JJ.
DATED: 25th April 2022

PC:-

1. Learned counsel for the Petitioner submits that, till date, the Appellate Tribunal under (P.M.L.A.) is not functional. He submits that, the Petitioner intends to prefer an Appeal against the order passed by the Adjudicating Authority within 45 days as stipulated under Section 26 of the P.M.L.A. Act. He further submits that, the petitioner also intends to file an Appropriate Interim Application seeking stay of the order passed by the Adjudicating Authority along with the said Appeal.

2. Learned counsel for the petitioner submits that till such time the Appellate Authority considers the Interim Application (for stay) which will be filed by the Petitioner within the stipulated period alongwith the Appeal under Section 26 (P.M.L.A. Act), Respondent

No. 2 – Enforcement Directorate not to take any coercive steps as against the Petitioner's properties.

3. It is not in dispute that the Appellate Tribunal (under PMLA) is presently not functional for want of appointment a Chairperson.

4. The statement of the learned counsel for the Petitioner is accepted that the Petitioner will be filing an Appeal along with a stay Application before the Tribunal within the stipulated period of the Act.

5. Accordingly, no coercive steps be taken with respect to the subject properties till such time, the Appellate Authority (under the PMLA), decides the stay Application of the Petitioner.

6. If an adverse order is passed by the Appellate Authority, the same shall not be given effect to for a period of one week from the date of the order.

7. Needless to state, that we have not gone into the merits of the Petition and as such all contention of all parties are kept open.

8. The Writ petition, is accordingly, disposed of in the aforesaid terms.

9. All parties to act on an authenticated copy of this order.

(Madhav J. Jamdar, J)

(Revati Mohite Dere,J)