

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2386 OF 2023

(M/s Gorgeous Apparels Vs. Union of India & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Naveen Malhotra with Shri A.M. Sudame, Advocate for the petitioner.
Shri N.S. Deshpande, Deputy Solicitor General of India for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MAY 3, 2023

Heard.

2] The challenge raised is to the action of seizure undertaken by respondent Nos. 2 to 4 pursuant to which Panchanama has been drawn under Section 17 of the Prevention of Money-Laundering Act, 2002 (for short “the Act of 2002”). The principal contention urged is that the entire action of seizure of betel nuts, said to be imported by the sister concern of the petitioner on 8/11/2022, could not have been the subject matter of seizure based on the offences registered prior thereto on 5/3/2021 by the Central Bureau of Investigation and on 30/9/2022 by the Enforcement Case Information Report.

3] We find that pursuant to the aforesaid seizure, the petitioner has approached the adjudicating authority by moving an application under Section 151 of the Code of Civil Procedure, 1908 read with Section 8(2) of the Act of 2002. Reply to the said application has been submitted by the Directorate of Enforcement on 15/2/2023.

4] Since we find that the adjudicating authority is now hearing the proceedings of release of betel nuts claimed by the petitioner that has been seized, interests of justice would be met by directing the adjudicating authority - PMLA, New Delhi to expeditiously consider the petitioner’s application for release of the said seized items since they are said to be perishable in nature. It is informed that the said proceedings were conducted on 24/4/2023.

5] In the aforesaid facts, the adjudicating authority is directed to consider the petitioner’s application moved under Section 8(2) of the Act of 2002 and

take a decision thereon by the end of May – 2023. Needless to state that the adjudicating authority shall hear the representatives of the petitioner and the Enforcement Directorate and pass orders thereon by 31/5/2023. All questions raised in the Writ Petition are kept open.

6] The Writ Petition is disposed of.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT