

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

**WRIT PETITION NO. 3217 OF 2023**

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

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

*Court's or Judge's order*

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Shri Naveen Malhotra with Shri A.M. Sudame, Advocate for the petitioner.  
Shri C.J. Dhumane, Advocate for the respondents.

**CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.**

**DATE : JULY 17, 2023**

The challenge raised in the present Writ Petition is to the order dated 10/5/2023 passed by the Adjudicating Authority thereby rejecting the application preferred by the petitioner for impleadment in proceedings under the Prevention of Money Laundering Act, 2002 (for short "Act of 2002").

2] A preliminary objection is raised by the learned Counsel for the respondents by submitting that in view of the provisions of Section 26(1) of the Act of 2002, a remedy of filing an appeal for challenging the order rejecting the application preferred by the petitioner under Section 8(2) of the Act of 2002 is available.

3] The learned Counsel for the petitioner sought to contend that since the prayer for impleadment as made in the application was not allowed, there would be no right to file an appeal challenging the said order.

4] On perusal of the proviso to Section 8(2) of the Act of 2002, a party claiming that the property mentioned in the notice is not involved in money-laundering has to be granted an opportunity to be heard to prove that the property is not involved in money laundering. It is pursuant to this proviso that the petitioner had preferred the application dated 7/2/2023. The order passed by the adjudicating authority on 10/5/2023 records that the petitioner failed to make out a case under Section 8(2) of the Act of 2002.

5] In that view of the matter, we find that a statutory remedy of preferring an appeal under Section 26(1) of the Act of 2002 is available.

6] Since the order passed by the adjudicating authority is dated 10/5/2023 and the present Writ Petition has been filed on 22/5/2023, we are inclined to

permit the petitioner to invoke the appellate remedy under Section 26(1) of the Act of 2002. If the petitioner prefers such an appeal within a period of ten days from today, the same shall be entertained on merits without going into the aspect of delay since the petitioner had approached this Court within the period of 45 days as stipulated by Section 26(3) of the Act of 2002. Considering the nature of dispute, the appellate authority shall take all steps to adjudicate the appeal in accordance with law preferably within a period of eight weeks of the appeal being filed.

7] With these directions, the Writ Petition is disposed of. All points raised in the Writ Petition are kept open.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(A. S. CHANDURKAR, J.)**

SUMIT