IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2978-2023 (O&M)
Date of Decision:-01.03.2023

Sant Singh ....Petitioner

Vs.

Director of Enforcement and anr. ....Respondents

CORAM:- **HON'BLE MS. JUSTICE RITU BAHRI**
HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Suvir Sidhu, Advocate with
Mr. Harlove Singh Rajput, Advocate
for the petitioner

Mr. Sat Pal Jain,Assistant Solicitor General of India with
Mr. Lokesh Narang, Sr. Panel Counsel
For respondent No. 1

Ritu Bahri, J. (Oral)

The present petition is for issuance of writ in the nature of certiorari for quashing the impugned order dated 18.08.2022 (P-2) passed by respondent No. 2 as well as attachment order dated 12.11.2021 (P-1) passed by respondent No. 1.

On 14.02.2023, this Court passed the following order:-

Learned counsel for the petitioner inter alia contends that the provisional attachment of the property under the Prevention of Money Laundering Act, 2002 was done on 12.11.2021 (Annexure P-1) and the Adjudicating Officer has to pass order within 180 days. However, the Adjudicating Officer had passed the order on 18.08.2022 i.e. after expiry of 180 days whereas the period of 180 days was to expire on 11.05.2022.

Mr. Satya Pal Jain, Assistant Solicitor General of India with Mr. Lokesh Narang, Senior Panel Counsel puts in appearance on behalf of respondent No. 1. He submits that the petitioner has already filed an appeal dated 20.01.2023 (Annexure P-3) before the Appellate Tribunal under Section 26 of the Prevention of Money Laundering Act, 2002 to raise all his pleas.

Learned counsel for the petitioner, while referring to an order passed by the Hon'ble Supreme Court in SLP (C) No. 4840/2022 titled Yogesh Narayanrao Deshmukh and another vs. Directorate of Enforcement, decided on 04.05.2022 contends that he will not create third party right, title or interest of any kind during the pendency of the appeal before the Appellate Tribunal and he is ready to file an undertaking before this Court as well. Learned counsel for respondent No. 1 seeks 10 days' time to assist the Court.

List on 01.03.2023."

In the present case, it is not in dispute that the petitioner has already filed an appeal dated 20.01.2023 (P-3) before the Appellate Tribunal against order dated 18.08.2022 (P-2) under Section 26 of the Prevention of the Money Laundering Act, 2002.

Since the appeal is already pending before the Appellate Tribunal, the present petition stands disposed of by giving direction to the Appellate Tribunal to pass final order on the appeal within a period of two months.

However, Mr. Satya Pal Jain, Assistant Solicitor General of India shall convey about this order as well as about the judgment of Hon'ble the Supreme Court mentioned above to the Appellate Tribunal.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

01.03.2023
G Arora

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No