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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 22nd March, 2023

+ **W.P.(C) 8752/2022 & CM APPL.26320/2022**

INDIAN OVERSEAS BANK

..... Petitioner

Through: Mr. Kunal Tandon, Mr. Rishabh Gupta and Ms. Aanchal Khanna, Advocates. (M:9711447472)

versus

DEPUTY DIRECTOR, DIRECTOR OF ENFORCEMENT,
 LUCKNOW AND ORS.

..... Respondent

Through: Mr. Zoheb Hossain, Mr. Vivek Goswami and Mr. Kavish, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner seeking quashing of the final confirmation order dated 28th February, 2022 passed by the Adjudicatory Authority by which the Provisional Attachment Order dated 28th June, 2021 attaching properties mortgaged to the Petitioner - Indian Overseas Bank was confirmed under Section 8(1) of the PMLA, 2002.
3. The present petition was preferred on the ground that the Appellate Tribunal under PMLA, 2002 was not functioning at the relevant point of time. The said averment has been made in para 27 which reads as under:

“That the Petitioner has no other efficacious remedy available to them in the present urgent circumstances on account of the non-functioning of Appellate Tribunal Under the Prevention of Money Laundering Act, New Delhi due to the post of Chairperson being vacant, except filing the present petition before this Hon’ble Court to invoking their writ jurisdiction under Article 226 of the Constitution of India.”

4. At the relevant point of time, the Petitioner had preferred an appeal before the Appellate Tribunal on 21st April, 2022 and had also filed the present writ petition.

5. It is the admitted position that the Appellate Tribunal is now constituted under the PMLA Act. The order under challenge is an Attachment Order which is appealable to the Appellate Tribunal. Accordingly, the Petitioner is permitted to avail of its appellate remedies before the Tribunal within a period of thirty days.

6. It is clarified that the Court has not examined the merits of the case. All the contentions of the parties are left open.

7. The present petition along with all pending applications, if any, is disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

MARCH 22, 2023

dj/sk

