

05.08.2024

WPA 18698 of 2024

**Suraj Chokhani & Anr.
Vs.
Directorate of Enforcement**

Mr. Vijay Aggarwal
Mr. Anuj Singh
Mr. Y. Agarwal
Ms. R. Aggarwal
Mr. R. Bansal
Mr. P. Goyal
Mr. S. Bhardwaj
Ms. N. Singh
Ms. R. Singh

... .. for the petitioners

Mr. Arijit Chakrabarti
Mr. Deepak Sharma
Ms. Swati Singh

...for the ED

Affidavit of service filed in Court be kept with the record.

Learned counsel appearing for the petitioners submits that the petitioners have challenged the action taken by the Enforcement Directorate for further investigation of the case including the search and seizure proceedings conducted at the residential premises of the petitioners without obtaining permission of learned Special Court, PMLA.

Learned counsel further submits that the search operation was conducted by the Enforcement Directorate in violation of the rules as prescribed under Section 70 of PMLA, 2002 and prays for quashing of the entire search and seizure proceedings made on 28.02.2024.

Learned counsel appearing for the Enforcement Directorate submits that after the search proceedings were initiated on 28.02.2024, the investigation culminated into a show-cause notice. Thereafter, the petitioners had appeared before the Adjudicating Authority (PMLA). The Adjudicating Authority after giving opportunity of hearing to the petitioners where all the issues raised in the writ petition have been highlighted and considered, final adjudication order was passed on 30th July, 2024 and communicated to the petitioners.

Heard learned counsel for the parties.

After the adjudication order has been passed by the Adjudicating Authority as prescribed under Section 8 of the PMLA, 2002, the proper course of action for the petitioner is to prefer an appeal against such order as prescribed under Section 26 of the PMLA, 2002. There is no exceptional situation in the present case wherein this writ petition can be entertained.

It has been reiterated by the Hon'ble Courts in several judgments [**Dr. U.S. Awasthi Vs. Adjudicating Authority PMLA & Anr.** reported in **(2023) SCC OnLine Del 401** and in **Vijay Madanlal Choudhary & Ors. Vs. Union of India & Ors.** reported in **(2022) SCC OnLine SC 929**] that the proper course of action against an order passed under Section 8 of the PMLA, 2002 is to file an appeal under Section 26 of the PMLA, 2002. The Courts

emphasized the importance of adhering to the statutory frame work and resorting to writ jurisdiction only in cases where the statutory remedy is insufficient to address the grievance.

The writ petition being WPA 18698 of 2024 is dismissed. Connected application being CAN 1 of 2024 is also dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)